

DISTRICT OF COLUMBIA CODE

ANNOTATED

1981 EDITION

1999 SUPPLEMENT

UPDATING THE LAWS, GENERAL AND PERMANENT IN THEIR NATURE,
RELATING TO OR IN FORCE OR FINALLY ADOPTED IN THE DISTRICT
OF COLUMBIA (EXCEPT SUCH LAWS AS ARE OF APPLICATION IN
THE DISTRICT OF COLUMBIA BY REASON OF BEING GENERAL
AND PERMANENT LAWS OF THE UNITED STATES), AS OF
APRIL 27, 1999, NOTES TO EMERGENCY LEGISLATION
ADOPTED AS OF MARCH 31, 1999, REORGANIZATION
PLANS NOT DISAPPROVED AS OF
DECEMBER 31, 1998, AND NOTES
TO DECISIONS REPORTED AS
OF MARCH 1, 1999

VOLUME 8

1998 REPLACEMENT

Prepared and Published Under Authority of the Council of the District
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Edited and Annotated by the Editorial Staff of the Publishers.

LEXIS Law Publishing
CHARLOTTESVILLE, VIRGINIA
1999

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ISBN 0-327-08406-5
ISBN 0-327-08394-8 (set)



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TITLE 37. LIBRARIES.

CHAPTER 1. PUBLIC LIBRARIES.

Sec.	Sec.
37-105. Same — Duties; deposit of fines.	37-106.2. Confidentiality of circulation
37-106. Mayor authorized to seek appropriations for library expenses.	records.
	37-107, 37-108. [Repealed].

§ 37-104. Board of Trustees — Appointment; qualifications; term; vacancies; officers; compensation; ex officio member.

Section references. — This section is referred to in §§ 1-633.7 and 1-1462.

§ 37-105. Same — Duties; deposit of fines.

(a) The Board of Library Trustees shall:

* * * * *

(11) Encourage and assist in the establishment of community support groups in the branch libraries which may advise the Board on library matters, gather information on the needs of the library, promote improvement of library services, and provide general support of library activities;

(12) Meet at least once every 2 months;

(13) Notwithstanding any other provision of law, the Board of Trustees of the District of Columbia Public Library is authorized to hire a fund raiser and to raise funds from private sources and expend those funds for the benefit of the District of Columbia Public Library, with the prior review and approval of the Chief Financial Officer for the District of Columbia and the District of Columbia Financial Responsibility and Management Assistance Authority.

* * * * *

(Oct. 21, 1998, 112 Stat. 2681-146, Pub. L. 105-277, § 156.)

Effect of amendments.
Section 156 of Pub. L. 105-277 added (a)(13).

§ 37-106. Mayor authorized to seek appropriations for library expenses.

The Mayor of the District is authorized to include in his annual estimates for appropriation sums as he may deem necessary for the proper maintenance of the library, including branches, for the purchase of land for sites for library buildings, and for the erection and enlargement of necessary library buildings. (June 3, 1896, ch. 315, § 6; Apr. 1, 1926, 44 Stat. 230, ch. 98, § 6; 1973 Ed., § 37-106; Apr. 20, 1999, D.C. Law 12-264, § 39, 46 DCR 2118.)

Effect of amendments. — D.C. Law 12-264 validated previously made technical corrections.

Legislative history of Law 12-264. — Law 12-264, the “Technical Amendments Act of 1998,” was introduced in Council and assigned Bill No. 12-804, which was referred to the Committee of the Whole. The Bill was adopted

on first and second readings on November 10, 1998, and December 1, 1998, respectively. Signed by the Mayor on January 7, 1999, it was assigned Act No. 12-626 and transmitted to both Houses of Congress for its review. D.C. Law 12-264 became effective on April 20, 1999.

Cited in *Barry v. Bush*, App. D.C., 581 A.2d 308 (1990).

§ 37-106.2. Confidentiality of circulation records.

* * * * *

(b)

* * * * *

(6) Upon application of a government authority, the notice required by paragraph (4) of this subsection may be waived by order of an appropriate court if the presiding judge finds that:

(A) The investigation being conducted is within the lawful jurisdiction of the government authority seeking the records;

(B) There is reason to believe that the records being sought are relevant to a legitimate law enforcement inquiry; or

* * * * *

(Apr. 20, 1999, D.C. Law 12-264, § 40, 46 DCR 2118.)

Effect of amendments. — D.C. Law 12-264 validated previously made technical corrections in (b)(6)(A) and (B)

Legislative history of Law 12-264. — See note to § 37-106.

§ 37-107. Takoma Park branch — Hours.

Repealed.

(Mar. 4, 1913, 37 Stat. 943, ch. 150, § 1; 1973 Ed., § 37-107; Sept. 5, 1985, D.C. Law 6-17, § 3, 32 DCR 3582.)

Editor's notes. — This section is set out above to provide historical information.

§ 37-108. Same — Appropriation.

Repealed.

(Apr. 4, 1910, 36 Stat. 290, ch. 141; 1973 Ed., § 37-108; Sept. 5, 1985, D.C. Law 6-17, § 4, 32 DCR 3582.)

Editor's notes. — This section is set out above to provide historical information.

TITLE 39. MILITARY.

CHAPTER 1. COMPOSITION, ORGANIZATION, AND CONTROL.

Sec.
39-102. Exemptions from service.

§ 39-102. Exemptions from service.

In addition to the persons exempted from enrollment in the militia by the general laws of the United States, the following persons shall also be exempted from enrollment in the militia of the District of Columbia, namely: officers of the government of the District of Columbia; judges and officers of the courts of the District of Columbia; officers who have held commissions in the regular or volunteer Army, Navy, or Air Force of the United States; officers who have served for a period of 5 years in the militia of the District of Columbia or of any state of the United States; ministers of the gospel; practicing physicians; and conductors and engine-drivers of railroad trains. (Mar. 1, 1889, 25 Stat. 772, ch. 328, § 2; 1973 Ed., § 39-102; Nov. 19, 1985, D.C. Law 6-52, § 2(a), 32 DCR 5690; Apr. 20, 1999, D.C. Law 12-264, § 41(a), 46 DCR 2118.)

Effect of amendments. — D.C. Law 12-264 validated a previously made technical correction.
Legislative history of Law 12-264. — Law 12-264, the “Technical Amendments Act of 1998,” was introduced in Council and assigned Bill No. 12-804, which was referred to the

Committee of the Whole. The Bill was adopted on first and second readings on November 10, 1998, and December 1, 1998, respectively. Signed by the Mayor on January 7, 1999, it was assigned Act No. 12-626 and transmitted to both Houses of Congress for its review. D.C. Law 12-264 became effective on April 20, 1999.

CHAPTER 3. COMMISSIONED OFFICERS.

Sec.
39-313. Discharge of commissioned officer.

§ 39-313. Discharge of commissioned officer.

(a) A commissioned officer may be honorably discharged:

* * * * *

(2) Upon disbandment of the organization to which he belongs; or

* * * * *

(Apr. 20, 1999, D.C. Law 12-264, § 41(b), 46 DCR 2118.)

Effect of amendments. — D.C. Law 12-264 validated a previously made technical correction in (a)(2).
Legislative history of Law 12-264. — See note to § 39-102.

TITLE 40. MOTOR VEHICLES AND TRAFFIC.

Chapter

1A. Department of Motor Vehicles §§ 40-151 to 40-156

CHAPTER 1. REGISTRATION OF MOTOR VEHICLES.

Subchapter I. General Provisions.

Subchapter III. International Registration
Plan Agreements.

Sec.

40-101. Definitions.

Sec.

40-121. Definitions.

40-102. Motor vehicles and trailers; expiration;
certificates and tags; sale or trans-
fer; Mayor to issue rules.

Subchapter I. General Provisions.

§ 40-101. Definitions.

As used in §§ 40-101, 40-102 and 40-104 to 40-106:

(1) The term “motor vehicle” means any vehicle propelled by an internal combustion engine, electricity, or steam, including any non-operational vehicle that is being restored or repaired. The term “motor vehicle” shall not include road rollers, farm tractors, vehicles propelled only upon stationary rails or tracks, and battery-operated wheelchairs when operated by a handicapped person at speeds not exceeding 10 miles per hour.

* * * * *

(Mar. 26, 1999, D.C. Law 12-184, § 3(a), 45 DCR 7796.)

Effect of amendments. — D.C. Law 12-184 added “including any non-operational vehicle that is being restored or repaired” in the first sentence of (1).

Legislative history of Law 12-184. — Law 12-184, the “Historic Motor Vehicle Vintage License Plate Amendment Act of 1998,” was introduced in Council and assigned Bill No. 12-8, which was referred to the Committee on

Public Works and the Environment. The Bill was adopted on first and second readings on July 7, 1998, and September 22, 1998, respectively. Signed by the Mayor on October 2, 1998, it was assigned Act No. 12-455 and transmitted to both Houses of Congress for its review. D.C. Law 12-184 became effective on March 26, 1999.

§ 40-102. Motor vehicles and trailers; expiration; certificates and tags; sale or transfer; Mayor to issue rules.

* * * * *

(d)

* * * * *

(2A) The Mayor, through the issuance of rules, shall permit the use of vintage license plates on historic motor vehicles in place of historic motor vehicle license plates, provided that the plate is legible and corresponds to the year of the vehicle’s make. The owner, through approval and registration of the vintage license plates, shall have the same rights, privileges, and obligations as if he or she had purchased new historic motor vehicle license plates. The

rules promulgated pursuant to this paragraph, shall be issued no later than 90 days from March 26, 1999. The Mayor may impose a reasonable fee to carry out the provisions of this paragraph.

* * * * *

(Mar. 26, 1999, D.C. Law 12-184, § 3(b), 45 DCR 7796.)

Effect of amendments.
D.C. Law 12-184 inserted (d)(2A).

Legislative history of Law 12-184. — See note to § 40-101.

Subchapter III. International Registration Plan Agreements.

§ 40-121. Definitions.

For the purposes of this subchapter, the term:

* * * * *

(11) “IRP” means the abbreviation for the reciprocal agreement, the International Registration Plan.

(12) “IVMR” means Individual Vehicle Mileage Record which serves as the original record generated in the course of actual vehicle operation and is used as a source document to verify the registrant’s application for accuracy.

(13) “Member jurisdiction” means a jurisdiction which has applied for membership and has been accepted by all members of the IRP.

* * * * *

(Apr. 20, 1999, D.C. Law 12-264, § 42, 46 DCR 2118.)

Effect of amendments. — D.C. Law 12-264 validated previously made technical corrections in (11), (12), and (13).

Legislative history of Law 12-264. — Law 12-264, the “Technical Amendments Act of 1998,” was introduced in Council and assigned Bill No. 12-804, which was referred to the

Committee of the Whole. The Bill was adopted on first and second readings on November 10, 1998, and December 1, 1998, respectively. Signed by the Mayor on January 7, 1999, it was assigned Act No. 12-626 and transmitted to both Houses of Congress for its review. D.C. Law 12-264 became effective on April 20, 1999.

CHAPTER 1A. DEPARTMENT OF MOTOR VEHICLES.

Sec.
40-151. Establishment of the Department of Motor Vehicles.
40-152. Purpose.
40-153. Organization.

Sec.
40-154. Functions.
40-155. Transfers.
40-156. Reorganization.

§ 40-151. Establishment of the Department of Motor Vehicles.

(a) Pursuant to § 1-227(b), there is hereby established in the Executive Branch of the government of the District of Columbia a Department of Motor Vehicles (“DMV”).

(b) The Director of the DMV shall have authority over the department and all functions and personnel assigned thereto, including the power to re-delegate to other employees and officials of the department such powers and authority as, in the judgment of the Director is warranted in the interests of efficiency and sound administration. (Mar. 26, 1999, D.C. Law 12-175, § 1822, 45 DCR 7193.)

Emergency act amendments. — For temporary addition of §§ 40-151 to 40-156, see §§ 1422-1427 of the Fiscal Year 1999 Budget Support Emergency Act of 1998 (D.C. Act 12-401, July 13, 1998, 45 DCR 4794), §§ 1422-1427 of the Fiscal Year 1999 Budget Support Congressional Review Emergency Act of 1998 (D.C. Act 12-564, January 12, 1999, 46 DCR 669), and §§ 1422-1427 of the Fiscal Year 1999 Budget Support Congressional Review Emergency Act of 1998 (D.C. Act 13-41, March 31, 1999, 46 DCR 3446).

Section 1430 of D.C. Act 12-401 provides for the application of the act.

Section 2101 of D.C. Act 12-564 provides for the application of the act.

Section 2101 of D.C. Act 13-41 provides for the application of the act.

Legislative history of Law 12-175. — Law

12-175, the "Fiscal Year 1999 Budget Support Act of 1998," was introduced in Council and assigned Bill No. 12-618, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on May 5, 1998 and June 2, 1998, respectively. Signed by the Mayor on June 23, 1998, it was assigned Act No. 12-399 and transmitted to both Houses of Congress for its review. D.C. Law 12-175 became effective on March 26, 1999.

Application of D.C. Law 12-175. — Section 1830 of D.C. Law 12-175 provided that this chapter shall apply as of October 1, 1998.

Department of Motor Vehicles Establishment Act of 1988. — Section 1821 of D.C. Law 12-175 provides that this chapter may be cited as the "Department of Motor Vehicles Establishment Act of 1998."

§ 40-152. Purpose.

The DMV is charged with helping to improve the District of Columbia's economic competitiveness and quality of life by fostering the safe operation of motor vehicles on District streets in accordance with applicable laws and regulations. (Mar. 26, 1999, D.C. Law 12-175, § 1823, 45 DCR 7193.)

Emergency act amendments. — For temporary addition of chapter, see note to § 40-151.

Legislative history of Law 12-175. — See note to § 40-151.

Application of D.C. Law 12-175. — See note to § 40-151.

§ 40-153. Organization.

There is hereby established in the DMV offices and divisions as follows:

(1) The Office of the Director, with subordinate staff offices as are required to carry out overall management responsibility for the office;

(2) Division of Adjudication, with subordinate staff offices as required, to coordinate and manage the functions as follows:

- (A) Traffic adjudication hearings;
- (B) Traffic adjudication processing; and
- (C) Public space adjudication;

(3) Customer Services Division, with such subordinate staff offices as are required, to coordinate and manage the following functions for the District:

- (A) Vehicle inspection;
- (B) Vehicle registration; and
- (C) Driver testing, including medical reviews and insurance compliance; and

(4) Support Services Division, with such subordinate staff offices as are required to coordinate and manage the procurement, financial, technology and administrative functions for the Department of Motor Vehicles, and management of the personal property inventory for the Department of Motor Vehicles. (Mar. 26, 1999, D.C. Law 12-175, § 1824, 45 DCR 7193.)

Emergency act amendments. — For temporary addition of chapter, see note to § 40-151.

Legislative history of Law 12-175. — See note to § 40-151.

Application of D.C. Law 12-175. — See note to § 40-151.

§ 40-154. Functions.

The primary function of the major organizational components of the DMV are to plan, program, operate, manage, control, and maintain systems, processes, and programs that serve to ensure the safe and efficient movement of people in the operation of motor vehicles within the District of Columbia. The following functional components are included within this framework:

(1) Adjudication functions as follows:

(A) Administer the processes of collecting traffic fines and adjudicating disputes regarding traffic movement or parking movement in the public right-of-way;

(B) Ensure that efficient information and payment processing services are provided to motorists who have been ticketed, booted, or towed;

(C) To process all correspondence relating to contested traffic violations;

(D) Maintain account for the ticket file;

(E) Make determinations on violations which pertain to automobile insurance;

(F) Make determinations on complaints filed against public vehicle operators; and

(G) Make determinations on drivers' permits, including suspensions and revocations;

(2) Customer service functions as follows:

(A) Title and register new or used motor vehicles and trailers in the District and issue special tags and permits;

(B) Coordinate the issuance of special tags and permits, and to enforce activities relating to automobile dealers and vehicle inspection facilities;

(C) License public vehicle operators;

(D) Provide all services which pertain to the issuance of driver permits and licensing; and

(E) Maintain and administer a traffic record system; and

(3) Administrative service functions to provide department wide coordination of administrative services emphasizing human resources, technology and information support, procurement, and fiscal management support services. (Mar. 26, 1999, D.C. Law 12-175, § 1825, 45 DCR 7193.)

Emergency act amendments. — For temporary addition of chapter, see note to § 40-151.

Legislative history of Law 12-175. — See note to § 40-151.

Application of D.C. Law 12-175. — See note to § 40-151.

§ 40-155. Transfers.

(a) All positions, personnel, property, records, and unexpended balances of appropriations, allocations, and other funds available or to be made available to the Department of Public Works for the vehicle and driver licensing, registration, and control functions set out in Reorganization Plan No. 4 of 1983, effective March 1, 1984, are hereby transferred to the Department of Motor Vehicles.

(b) All of the functions assigned, and authorities delegated to the Department of Public Works, with respect to issuing regulations for and administering motor vehicle services, except for parking services functions, as set forth in section III(H) of Reorganization Plan No. 4 of 1983, effective March 1, 1984 (including only vehicle and driver licensing, registration, and control) are hereby transferred to the Department of Motor Vehicles. (Mar. 26, 1999, D.C. Law 12-175, § 1826, 45 DCR 7193.)

Emergency act amendments. — For temporary addition of chapter, see note to § 40-151.

Application of D.C. Law 12-175. — See note to § 40-151.

Legislative history of Law 12-175. — See note to § 40-151.

§ 40-156. Reorganization.

The Director of the DMV is authorized to organize the personnel and property transferred herein within any organizational unit of the DMV as the Director deems appropriate. Until such establishment, existing orders establishing the components of the pre-existing Department of Public Works remain in force, where they do not conflict with this chapter. (Mar. 26, 1999, D.C. Law 12-175, § 1827, 45 DCR 7193.)

Emergency act amendments. — For temporary addition of chapter, see note to § 40-151.

Application of D.C. Law 12-175. — See note to § 40-151.

Legislative history of Law 12-175. — See note to § 40-151.

CHAPTER 3. OPERATORS' PERMITS.

Sec.
40-302. Revocation or suspension; new permit after revocation; nonresidents;

penalty for operation with revoked or suspended license.

§ 40-301. Fee; examination; age requirements; lost permits; provisions for armed forces personnel; contents; operation without permit prohibited; restrictions for minors.

Temporary amendment of section. — Section 12 of D.C. Law 12-210 amended (b) to read as follows:

"(b) Each operator's permit shall state the name, social security number and address of

the permittee, together with such other matter as the Mayor may by regulation prescribe, and shall bear the signature of the permittee. Each operator's permit issued or renewed on or after January 1, 1988, shall contain, as part of the

permit, a uniform donor card as described in § 2-1504(b)."

Section 15(b) of D.C. Law 12-210 provided that the act shall expire after 225 days of its having taken effect.

Emergency act amendments. — For temporary amendment of section, see § 14 of the Child Support and Welfare Reform Compliance Second Emergency Amendment Act of 1998 (D.C. Act 12-439, August 12, 1998, 45 DCR 6110), § 13 of the Child Support and Welfare Reform Compliance Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-503, October 27, 1998, 45 DCR 8495), and § 13 of the Child Support and Welfare Reform Compliance Second Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-600, January 20, 1999, 46 DCR 1239).

Section 15 of D.C. Act 12-503 provides for the application of the act.

Legislative history of Law 12-210. — Law 12-210, the "Child Support and Welfare Reform Compliance Temporary Amendment Act of 1998," was introduced in Council and assigned Bill No. 12-657, which was referred to the Committee on Consumer and Regulatory Affairs. The Bill was adopted on first and second readings on July 7, 1998, and September 22, 1998, respectively. Signed by the Mayor on October 16, 1998, it was assigned Act No. 12-497 and transmitted to both Houses of Congress for its review. D.C. Law 12-210 became effective on April 13, 1999.

§ 40-302. Revocation or suspension; new permit after revocation; nonresidents; penalty for operation with revoked or suspended license.

(a) Except where for any violation of this chapter revocation of the operator's permit is mandatory, the Mayor or his designated agent may revoke or suspend an operator's permit for any cause which he or his agent may deem sufficient; provided, that in each case where a permit is revoked or suspended the reasons therefor shall be set out in the order of revocation or suspension; provided further, that such order shall take effect 5 days after its issuance unless the holder of the permit shall have filed within such period, written application with the Mayor of the District of Columbia for a review of his order or the order of his agent, and, if upon such review, the Mayor shall sustain such order, the same shall become effective immediately; provided further, that application to said Mayor for a review shall not operate as a stay of such order of the Mayor or his agent when the order has been issued revoking or suspending a permit on account of mental or physical incapacity, for driving while the individual's blood contains .08% or more, by weight, of alcohol, or while .38 micrograms or more of alcohol are contained in 1 milliliter of the individual's breath, consisting substantially of alveolar air, or while the individual's urine contains .10% or more, by weight, of alcohol, or while under the influence of intoxicating liquor or any drug or any combination thereof, or while the ability to operate a vehicle is impaired by the consumption of intoxicating liquor; for manslaughter when an automobile is involved, or for operating a motor vehicle equipped with a smoke screen.

* * * * *

(Apr. 13, 1999, D.C. Law 12-212, § 2(b), 46 DCR 5.)

Effect of amendments. — D.C. Law 12-212 in (a), substituted "blood contains .08% or more, by weight, of alcohol, or while .38 micrograms or more of alcohol are contained in 1 milliliter of the individual's breath, consisting substantially of alveolar air, or while the individual's urine contains .10% or more" for "blood or

breath contains .10 percent or more, by weight, of alcohol, or the individual's urine contains .13 percent or more."

Legislative history of Law 12-212. — Law 12-212, the "Anti-Drunk Driving Amendment Act of 1998," was introduced in Council and assigned Bill No. 12-581, which was referred to

the Committee on Public Works and the Environment. The Bill was adopted on first and second readings on October 6, 1998, and November 10, 1998, respectively. Signed by the Mayor on December 1, 1998, it was assigned Act No. 12-517 and transmitted to both Houses

of Congress for its review. D.C. Law 12-212 became effective on April 13, 1999.

Expiration of Law 12-212. — Section 8(b) of D.C. Law 12-212 provided that the act shall expire on September 30, 2000.

CHAPTER 4. MOTOR VEHICLE SAFETY RESPONSIBILITY.

Subchapter I. General Provisions.

Sec.
40-402. Definitions.
40-404. Review by Mayor.
40-409 to 40-433. [Repealed].
40-437. Suspension of license and registration for certain convictions; effect of proof of financial responsibility; vehicles owned or leased by the

Sec.

United States, a state, or a political subdivision thereof; suspension for foreign convictions.

40-457, 40-458. [Repealed].
40-460 to 40-464. [Repealed].
40-471 to 40-473. [Repealed].
40-473. [Repealed].
40-477. [Repealed].

Subchapter I. General Provisions.

§ 40-402. Definitions.

The following words and phrases used in this subchapter shall, for the purpose of this subchapter, have the meanings respectively ascribed to them in this article except in those instances where the context clearly indicates a different meaning:

(1) "Mayor" means the Mayor of the District of Columbia, or his designated agent or agents.

(2) "Driver" or "operator" means every person who drives or is in actual physical control of a motor vehicle upon a public highway or who is exercising control over or steering a vehicle being pushed or towed by a motor vehicle upon a public highway.

(3) "License" means any operator's permit or any other license or permit to operate a motor vehicle issued under the laws of the District of Columbia including:

(A) Any temporary or learner's permit;

(B) The privilege of any person to drive a motor vehicle whether or not such person holds a valid license; and

(C) Any nonresident's operating privilege as defined herein.

(4) "Motor vehicle" means every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails. The term "motor vehicle" shall not include battery-operated wheelchairs when operated by a handicapped person at speeds not exceeding 10 miles per hour.

(5) "Nonresident" means every person who is not a resident of the District of Columbia.

(6) "Nonresident's operating privilege" means the privilege conferred upon a nonresident by the laws of the District of Columbia pertaining to the operation by such person of a motor vehicle, or the use of a vehicle owned by such person, in the District of Columbia.

(7) "Owner" means a person who holds the legal title of a vehicle, or in the event a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner for the purpose of this subchapter.

(8) "Person" means every natural person, firm, copartnership, association, or corporation.

(9) "Public highway" means any street, road, or public thoroughfare.

(10) "Registration" means the registration plates issued under the laws of the District of Columbia pertaining to the registration of vehicles.

(11) "Vehicle" means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, except devices moved by human power or used exclusively upon stationary rails or tracks. (May 25, 1954, 68 Stat. 120, ch. 222, § 2; 1973 Ed., § 40-418; Mar. 15, 1985, D.C. Law 5-176, § 7, 32 DCR 748; Apr. 20, 1999, D.C. Law 12-264, § 43(a), 46 DCR 2118.)

Effect of amendments. — D.C. Law 12-264 validated previously made technical corrections.

Legislative history of Law 12-264. — Law 12-264, the "Technical Amendments Act of 1998," was introduced in Council and assigned Bill No. 12-804, which was referred to the

Committee of the Whole. The Bill was adopted on first and second readings on November 10, 1998, and December 1, 1998, respectively. Signed by the Mayor on January 7, 1999, it was assigned Act No. 12-626 and transmitted to both Houses of Congress for its review. D.C. Law 12-264 became effective on April 20, 1999.

§ 40-404. Review by Mayor.

* * * * *

(b) Any person whose license or motor vehicle registration shall be denied, suspended, or revoked by the Mayor under the provisions of this subchapter may, within 30 days after such denial, revocation, or suspension has been reviewed by the Mayor and sustained by him, file in the District of Columbia Court of Appeals an application for the allowance of an appeal from the order or decision of the Mayor. Appeal shall be as provided in subchapter I of Chapter 15 of Title 1.

* * * * *

(Apr. 20, 1999, D.C. Law 12-264, § 43(b), 46 DCR 2118.)

Effect of amendments. — D.C. Law 12-264 validated previously made technical corrections in (b).

Legislative history of Law 12-264. — See note to § 40-402.

§ 40-409. Motor Vehicle Owners' and Operators' Financial Responsibility Fund, D. C.

Repealed.

(May 25, 1954, 68 Stat. 123, ch. 222, § 9; 1973 Ed., § 40-425; Sept. 18, 1982, D.C. Law 4-155, § 14(e), 29 DCR 3491.)

Editor's notes. — Sections 40-409 through 40-433 are set out to provide historical information.

§ 40-410. Accident report — Required.

Repealed.

(May 25, 1954, 68 Stat. 124, ch. 222, § 10; 1973 Ed., § 40-426; Sept. 18, 1982, D.C. Law 4-155, § 14(e), 29 DCR 3491.)

§ 40-411. Same — Form.

Repealed.

(May 25, 1954, 68 Stat. 124, ch. 222, § 11; 1973 Ed., § 40-427; Sept. 18, 1982, D.C. Law 4-155, § 14(e), 29 DCR 3491.)

§ 40-412. Same — Not required during incapacity.

Repealed.

(May 25, 1954, 68 Stat. 124, ch. 222, § 12; 1973 Ed., § 40-428; Sept. 18, 1982, D.C. Law 4-155, § 14(e), 29 DCR 3491.)

§ 40-413. Same — Additional information to be furnished on request.

Repealed.

(May 25, 1954, 68 Stat. 124, ch. 222, § 13; 1973 Ed., § 40-429; Sept. 18, 1982, D.C. Law 4-155, § 14(e), 29 DCR 3491.)

§ 40-414. Same — Suspension authorized for failure to report.

Repealed.

(May 25, 1954, 68 Stat. 124, ch. 222, § 14; 1973 Ed., § 40-430; Sept. 18, 1982, D.C. Law 4-155, § 14(e), 29 DCR 3491.)

§ 40-415. Same — Confidential.

Repealed.

(May 25, 1954, 68 Stat. 124, ch. 222, § 15; 1973 Ed., § 40-431; Sept. 18, 1982, D.C. Law 4-155, § 14(e), 29 DCR 3491.)

§ 40-416. Deposit of security — When applicable.

Repealed.

(May 25, 1954, 68 Stat. 124, ch. 222, § 16; 1973 Ed., § 40-432; Sept. 18, 1982, D.C. Law 4-155, § 14(e), 29 DCR 3491.)

§ 40-417. Same — Amount.

Repealed.

(May 25, 1954, 68 Stat. 125, ch. 222, § 17; Sept. 8, 1960, 74 Stat. 862, Pub. L. 86-730, § 3; 1973 Ed., § 40-433; Sept. 18, 1982, D.C. Law 4-155, § 14(e), 29 DCR 3491.)

§ 40-418. Same — Exceptions.

Repealed.

(May 25, 1954, 68 Stat. 125, ch. 222, § 18; Aug. 28, 1958, 72 Stat. 955, Pub. L. 85-792, § 6; 1973 Ed., § 40-434; Sept. 18, 1982, D.C. Law 4-155, § 14(e), 29 DCR 3491.)

§ 40-419. Automobile liability policy or bond; requirements.

Repealed.

(May 25, 1954, 68 Stat. 126, ch. 222, § 19; 1973 Ed., § 40-435; Sept. 18, 1982, D.C. Law 4-155, § 14(e), 29 DCR 3491.)

§ 40-420. Deposit of security — Generally.

Repealed.

(May 25, 1954, 68 Stat. 126, ch. 222, § 20; 1973 Ed., § 40-436; Sept. 18, 1982, D.C. Law 4-155, § 14(e), 29 DCR 3491.)

§ 40-421. Same — Suspension for failure.

Repealed.

(May 25, 1954, 68 Stat. 126, ch. 222, § 21; 1973 Ed., § 40-437; Sept. 18, 1982, D.C. Law 4-155, § 14(e), 29 DCR 3491.)

§ 40-422. Same — Release from liability.

Repealed.

(May 25, 1954, 68 Stat. 127, ch. 222, § 22; Aug. 28, 1958, 72 Stat. 955, Pub. L. 85-792, § 7; 1973 Ed., § 40-438; Sept. 18, 1982, D.C. Law 4-155, § 14(e), 29 DCR 3491.)

§ 40-423. Same — Adjudication of nonliability.

Repealed.

(May 25, 1954, 68 Stat. 127, ch. 222, § 23; 1973 Ed., § 40-439; Sept. 18, 1982, D.C. Law 4-155, § 14(e), 29 DCR 3491.)

§ 40-424. Agreements for payment of damages.

Repealed.

(May 25, 1954, 68 Stat. 127, ch. 222, § 24; Aug. 28, 1958, 72 Stat. 955, Pub. L. 85-792, § 8; 1973 Ed., § 40-440; Sept. 18, 1982, D.C. Law 4-155, § 14(e), 29 DCR 3491.)

§ 40-425. Payment upon judgment; release of judgment debtor.

Repealed.

(May 25, 1954, 68 Stat. 127, ch. 222, § 25; 1973 Ed., § 40-441; Sept. 18, 1982, D.C. Law 4-155, § 14(e), 29 DCR 3491.)

§ 40-426. Termination of security requirement.

Repealed.

(May 25, 1954, 68 Stat. 127, ch. 222, § 26; 1973 Ed., § 40-442; Sept. 18, 1982, D.C. Law 4-155, § 14(e), 29 DCR 3491.)

§ 40-427. Duration of suspension.

Repealed.

(May 25, 1954, 68 Stat. 128, ch. 222, § 27; 1973 Ed., § 40-443; Sept. 18, 1982, D.C. Law 4-155, § 14(e), 29 DCR 3491.)

§ 40-428. Nonresidents; unlicensed drivers; unregistered vehicles; accidents in other states.

Repealed.

(May 25, 1954, 68 Stat. 128, ch. 222, § 28; 1973 Ed., § 40-444; Sept. 18, 1982, D.C. Law 4-155, § 14(e), 29 DCR 3491.)

§ 40-429. Mayor authorized to decrease amount of security.

Repealed.

(May 25, 1954, 68 Stat. 129, ch. 222, § 29; 1973 Ed., § 40-445; Sept. 18, 1982, D.C. Law 4-155, § 14(e), 29 DCR 3491.)

§ 40-430. Correction of Mayor's action within 1 year.

Repealed.

(May 25, 1954, 68 Stat. 129, ch. 222, § 30; Sept. 8, 1960, 74 Stat. 862, Pub. L. 86-730, § 4; 1973 Ed., § 40-446; Sept. 18, 1982, D.C. Law 4-155, § 14(e), 29 DCR 3491.)

§ 40-431. Disposition of security.

Repealed.

(May 25, 1954, 68 Stat. 129, ch. 222, § 31; 1973 Ed., § 40-447; Sept. 18, 1982, D.C. Law 4-155, § 14(e), 29 DCR 3491.)

§ 40-432. Return of deposit.

Repealed.

(May 25, 1954, 68 Stat. 129, ch. 222, § 32; 1973 Ed., § 40-448; Sept. 18, 1982, D.C. Law 4-155, § 14(e), 29 DCR 3491.)

§ 40-433. Matters not to be evidence in civil suits.

Repealed.

(May 25, 1954, 68 Stat. 129, ch. 222, § 33; 1973 Ed., § 40-449; Sept. 18, 1982, D.C. Law 4-155, § 14(e), 29 DCR 3491.)

§ 40-437. Suspension of license and registration for certain convictions; effect of proof of financial responsibility; vehicles owned or leased by the United States, a state, or a political subdivision thereof; suspension for foreign convictions.

(a) The license and registration of all vehicles registered in the name of any person who by a final order or judgment shall have been convicted of, or shall have forfeited any bond or collateral given to secure appearance for trial for a violation of any of the following provisions of law: (1) operating a motor vehicle while the individual's blood contains .08% or more, by weight, of alcohol, or while .38 micrograms or more of alcohol are contained in 1 milliliter of defendant's breath, consisting substantially of alveolar air, or while defendant's urine contains .10% or more, by weight, of alcohol, or while under the influence of intoxicating liquor or any drug or any combination thereof, or while the ability to operate a vehicle is impaired by the consumption of intoxicating liquor, or an individual under 21 years of age operating a motor vehicle when the individual's blood, breath, or urine contains any measurable amount of alcohol; (2) any homicide committed by means of a motor vehicle; (3) leaving the scene of an accident in which the motor vehicle driven by him was involved and in which there is personal injury, without giving assistance or making known his identity and address and the identity and address of the owner of said vehicle; (4) reckless driving involving personal injury; (5) any felony in the commission of which a motor vehicle is used; or (6) a conviction of, or forfeiture of bail or collateral for an offense in any state which, if committed in the District of Columbia, would be one of the offenses listed in clauses (1) through (5) of this subsection; shall be suspended by the Mayor and shall remain so suspended and shall not at any time thereafter be renewed, nor shall any other motor vehicle be thereafter registered in the name of such person as

owner, except that: (1) if such owner has previously given or shall immediately give and thereafter maintain proof of financial responsibility for the future with respect to all such vehicles registered by such person as the owner, the Mayor shall not suspend such registration unless otherwise required or permitted by law; or (2) if a conviction arose out of the operation, with permission, of a vehicle owned by or leased to the United States, the District of Columbia, a state, or a political subdivision of a state or a municipality thereof, the Mayor shall not suspend the registration of any vehicle so owned or leased. If such person be not a resident of the District of Columbia, the privilege of operating any motor vehicle in the District of Columbia and the privilege of operation within the District of Columbia of any motor vehicle owned by him shall be suspended until he shall have furnished proof of financial responsibility for the future with respect to all such vehicles registered by such person as the owner, and such person shall not be allowed a license, nor shall such owner be allowed to register any vehicle in the District of Columbia, until he has complied with the requirements of §§ 40-434 to 40-468 to the same extent that would be necessary if, at the time of the conviction or forfeiture, he had held a license or had been the owner of a vehicle registered in the District of Columbia.

* * * * *

(Apr. 13, 1999, D.C. Law 12-212, § 3, 46 DCR 5.)

Effect of amendments. — D.C. Law 12-212 substituted “blood contains .08% or more, by weight, of alcohol, or while .38 micrograms or more of alcohol are contained in 1 milliliter of defendant’s breath, consisting substantially of alveolar air, or while defendant’s urine contains .10% or more” for “blood or breath contains ten one hundredths of 1% or more, by weight, of alcohol, or defendant’s urine contains .13% or more” in the first clause of (a).

Legislative history of Law 12-212. — Law 12-212, the “Anti-Drunk Driving Amendment Act of 1998,” was introduced in Council and

assigned Bill No. 12-581, which was referred to the Committee on Public Works and the Environment. The Bill was adopted on first and second readings on October 6, 1998, and November 10, 1998, respectively. Signed by the Mayor on December 1, 1998, it was assigned Act No. 12-517 and transmitted to both Houses of Congress for its review. D.C. Law 12-212 became effective on April 13, 1999.

Expiration of Law 12-212. — Section 8(b) of D.C. Law 12-212 provided that the act shall expire on September 30, 2000.

§ 40-457. “Motor vehicle liability policy” defined.

Repealed.

(May 25, 1954, 68 Stat. 134, ch. 222, § 57; 1973 Ed., § 40-473; Sept. 18, 1982, D.C. Law 4-155, § 14(e), 29 DCR 3491.)

Editor’s notes. — This section is set out above to provide historical information.

§ 40-458. Notice of cancellation or termination of certified policy.

Repealed.

(May 25, 1954, 68 Stat. 135, ch. 222, § 58; Sept. 8, 1960, 74 Stat. 86, Pub. L. 86-730, § 6; 1973 Ed., § 40-474; Sept. 18, 1982, D.C. Law 4-155, § 14(e), 29 DCR 3491.)

Editor's notes. — This section is set out above to provide historical information.

§ 40-460. Surety bond — Proof of financial responsibility.

Repealed.

(May 25, 1954, 68 Stat. 136, ch. 222, § 60; 1973 Ed., § 40-476; Sept. 18, 1982, D.C. Law 4-155, § 14(e), 29 DCR 3491.)

Editor's notes. — Sections 40-460 through 40-464 are set out to provide historical information.

§ 40-461. Same — Lien against scheduled real estate.

Repealed.

(May 25, 1954, 68 Stat. 136, ch. 222, § 61; 1973 Ed., § 40-477; Sept. 18, 1982, D.C. Law 4-155, § 14(e), 29 DCR 3491.)

§ 40-462. Same — Right of action.

Repealed.

(May 25, 1954, 68 Stat. 136, ch. 222, § 62; 1973 Ed., § 40-478; Sept. 18, 1982, D.C. Law 4-155, § 14(e), 29 DCR 3491.)

§ 40-463. Deposit of money with Mayor — Proof of financial responsibility.

Repealed.

(May 25, 1954, 68 Stat. 136, ch. 222, § 63; 1973 Ed., § 40-479; Sept. 18, 1982, D.C. Law 4-155, § 14(e), 29 DCR 3491.)

§ 40-464. Same — Limits on application.

Repealed.

(May 25, 1954, 68 Stat. 137, ch. 222, § 64; 1973 Ed., § 40-480; Sept. 18, 1982, D.C. Law 4-155, § 14(e), 29 DCR 3491.)

§ 40-471. Failure to report accident; penalty.

Repealed.

(May 25, 1954, 68 Stat. 138, ch. 222, § 71; 1973 Ed., § 40-487; Sept. 18, 1982, D.C. Law 4-155, § 14(e), 29 DCR 3491.)

Editor's notes. — Sections 40-471 through 40-473 are set out to provide historical information.

§ 40-472. False information or forged signature in accident report; forged evidence of proof of financial responsibility; false swearing.

Repealed.

(May 25, 1954, 68 Stat. 138, ch. 222, § 72; Aug. 28, 1958, 72 Stat. 957, Pub. L. 85-792, § 13; 1973 Ed., § 40-488; Sept. 18, 1982, D.C. Law 4-155, § 14(e), 29 DCR 3491.)

§ 40-473. Operating motor vehicle when license suspended or revoked.

Repealed.

(May 25, 1954, 68 Stat. 138, ch. 222, § 73; Aug. 28, 1958, 72 Stat. 957, Pub. L. 85-792, § 14; 1973 Ed., § 40-489; Sept. 14, 1982, D.C. Law 4-145, § 11(b), 29 DCR 3138.)

§ 40-477. Vehicles insured under other laws; exception.

Repealed.

(May 25, 1954, 68 Stat. 139, ch. 222, § 78; Aug. 28, 1958, 72 Stat. 957, Pub. L. 85-792, § 15; 1973 Ed., § 40-493; Sept. 18, 1982, D.C. Law 4-155, § 14(e), 29 DCR 3491.)

Editor's notes. — This section is set out above to provide historical information.

CHAPTER 5. MOTOR VEHICLE OPERATORS; IMPLIED CONSENT TO BLOOD-ALCOHOL CONTENT TESTS.

Sec.

40-502. Implied consent to blood-alcohol content or blood-drug content tests; administration; accidents.

40-505. Test refusal; penalty; incapacitated person; use of evidence.

Sec.

40-506. License revocation or denial order; hearing.

§ 40-502. Implied consent to blood-alcohol content or blood-drug content tests; administration; accidents.

(a) Any person, other than one described in subsection (b) of this section, who operates a motor vehicle within the District shall be deemed to have given his or her consent, subject to the provisions of this chapter, to 2 chemical tests of the person's blood, urine, or breath, for the purpose of determining blood-alcohol content or the blood-drug content. The arresting police officer or

any other appropriate law enforcement officer shall elect which chemical test shall be administered to the person; provided, that the person may object to a particular test on valid religious or medical grounds. The tests shall be administered at the direction of a police officer who, having arrested such person for violation of law, has reasonable grounds to believe the person to have been operating or in physical control of a motor vehicle within the District while that person's blood contains .08% or more, by weight, of alcohol, or .38 micrograms or more of alcohol are contained in 1 milliliter of that person's breath, consisting of substantially alveolar air, or that person's urine contains .10% or more, by weight, of alcohol, or while under the influence of intoxicating liquor or any drug or any combination thereof, or while the person's ability to operate a motor vehicle is impaired by the consumption of intoxicating liquor, or while that person's blood, urine, or breath contains any measurable amount of alcohol if the person is under 21 years of age.

(b) Any person who operates or who is in physical control of a motor vehicle within the District and who is involved in a motor vehicle accident shall submit, subject to the provisions of this chapter, to 2 chemical tests of the person's blood, urine, or breath for the purpose of determining blood-alcohol content or blood-drug content whenever a police officer arrests such person for a violation of law and has reasonable grounds to believe such person to have been operating or in physical control of a motor vehicle within the District while that person's blood contains .08% or more, by weight, of alcohol, or .38 micrograms or more of alcohol are contained in 1 milliliter of that person's breath, consisting of substantially alveolar air, or that person's urine contains .10% or more, by weight, of alcohol, or while under the influence of an intoxicating liquor or any drug or any combination thereof, or while the ability to operate a motor vehicle is impaired by the consumption of intoxicating liquor, or while that person's blood, urine, or breath contains any measurable amount of alcohol if the person is under 21 years of age. The arresting police officer or other appropriate law enforcement officer shall elect which chemical test shall be administered to the person; provided, that the person may object to a particular test on valid religious or medical grounds.

(c) The Mayor shall collect and maintain in aggregate form data on persons tested for blood-alcohol content pursuant to subsections (a) and (b) of this section. A report containing this information shall be transmitted to the Chairman of the Council by July 14, 2000. The report shall also:

(1) Contain data on the age, sex, measured content of alcohol in blood, urine, or breath, number of test refusals for tested persons, and number of licenses revoked;

(2) Compare the number of persons who were tested or refused to be tested in the one year period following April 13, 1999 with these statistics for the immediately preceding one year period; and

(3) Contain the number of arrests made pursuant to § 40-717.1(2), during the one year period following April 13, 1999 and for the one year period immediately preceding April 13, 1999. (Oct. 21, 1972, 86 Stat. 1017, Pub. L. 92-519, § 2; 1973 Ed., § 40-1002; Sept. 14, 1982, D.C. Law 4-145, § 4(b), (f), 29 DCR 3138; Mar. 9, 1983, D.C. Law 4-174, § 7, 29 DCR 5753; May 5, 1992, D.C. Law 9-96, § 3(b), 38 DCR 7274; May 24, 1994, D.C. Law 10-122, § 6(a), 41 DCR 1658; Apr. 13, 1999, D.C. Law 12-212, § 4(a), 46 DCR 5.)

Effect of amendments. — D.C. Law 12-212 substituted “.08%”, “.38 micrograms”, and “.10%” for “.10%”, “.48 micrograms”, and “.13%”, respectively, in (a) and (b); and added (c).

Legislative history of Law 12-212. — Law 12-212, the “Anti-Drunk Driving Amendment Act of 1998,” was introduced in Council and assigned Bill No. 12-581, which was referred to the Committee on Public Works and the Envi-

ronment. The Bill was adopted on first and second readings on October 6, 1998, and November 10, 1998, respectively. Signed by the Mayor on December 1, 1998, it was assigned Act No. 12-517 and transmitted to both Houses of Congress for its review. D.C. Law 12-212 became effective on April 13, 1999.

Expiration of Law 12-212. — Section 8(b) of D.C. Law 12-212 provided that the act shall expire on September 30, 2000.

§ 40-505. Test refusal; penalty; incapacitated person; use of evidence.

(a) If a person under arrest refuses to submit to chemical testing as provided in § 40-502(a) he shall be informed that failure to submit to such test will result in the revocation of his license. If such person, after having been so informed, still refuses to submit to chemical testing, no test shall be given, but the Mayor, upon receipt of a sworn report of the police officer that he had reasonable grounds to believe the arrested person had been driving or was in actual physical control of a motor vehicle upon the public highways while the individual’s blood contains .08% or more, by weight, of alcohol, or .38 micrograms or more of alcohol were contained in one milliliter of the individual’s breath, consisting of substantially alveolar air, or defendant’s urine contains .10% or more, by weight, of alcohol, or while under the influence of intoxicating liquor or any drug or any combination thereof, or while the person’s ability to operate a motor vehicle is impaired by the consumption of intoxicating liquor, or while that person’s blood, urine, or breath contains any measurable amount of alcohol if the person is under 21 years of age, and that the person had refused to submit to the 2 tests, shall revoke his license for a period of 12 months; or if the person is a resident without a license to operate a motor vehicle in the District, the Mayor shall deny to the person the issuance of a license for a period of 12 months after the date of the alleged violation, subject to review as hereinafter provided.

* * * * *

(Apr. 13, 1999, D.C. Law 12-212, § 4(b), 46 DCR 5.)

Effect of amendments. — D.C. Law 12-212 substituted “.08%”, “.38 micrograms”, and “.10%” for “.10%”, “.48 micrograms”, and “.13%”, respectively, in the second sentence of (a).

Legislative history of Law 12-212. — See note to § 40-502.

Expiration of Law 12-212. — See note to § 40-502.

§ 40-506. License revocation or denial order; hearing.

(a) Whenever any license has been revoked or denied under the provisions of this chapter, the reasons therefor shall be set forth in the order of revocation or denial, as the case may be. Such order shall take effect 5 days after service of notice on the person whose license is to be revoked or who is to be denied a license unless such person shall have filed within such period written application with the Mayor for a hearing. Such hearing by the Mayor shall cover the issues of:

(1) Whether a police officer had reasonable grounds to believe such person had been driving or was in actual control of a motor vehicle upon the public street or highway while the person's blood contains .08% or more, by weight, of alcohol, or while .38 micrograms or more of alcohol are contained in 1 milliliter of the person's breath, consisting substantially of alveolar air, or while the person's urine contains .10% or more, by weight, of alcohol, or while under the influence of intoxicating liquor or any drug or any combination thereof, or while the person's ability to operate a motor vehicle is impaired by the consumption of intoxicating liquor; and

* * * * *

(Apr. 13, 1999, D.C. Law 12-212, § 4(c), 46 DCR 5.)

Effect of amendments. — D.C. Law 12-212 substituted "blood contains .08% or more, by weight, of alcohol, or while .38 micrograms or more of alcohol are contained in 1 milliliter of the person's breath, consisting substantially of alveolar air, or while the person's urine contains .10% or more" for "blood or breath con-

tains .10 percent or more, by weight, of alcohol, or the person's urine contains .13 percent or more" in (a)(1).

Legislative history of Law 12-212. — See note to § 40-502.

Expiration of Law 12-212. — See note to § 40-502.

CHAPTER 6. TRAFFIC ADJUDICATION.

Subchapter I. Purposes; Definitions; Establishment; Hearing Examiners; Sanctions; Time Computations; Regulations.

§ 40-605. Monetary sanctions.

Snow Emergency Fine Increase Resolution of 1998. — Pursuant to Resolution PR 12-998, deemed approved on November 28, 1998, the Council approved a proposed rule, transmitted to the Council by the Mayor, which

amended Title 18 of the District of Columbia Municipal Regulations, sections 2600.1 and 2601.1, to increase fines for violations of snow emergency rules.

Subchapter III. Parking, Standing, Stopping and Pedestrian Infractions.

§ 40-624.1. Fleet adjudication program.

Emergency act amendments.

For temporary addition of section, see § 2(a) of the Fleet Traffic Adjudication Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-291, February 27, 1998, 45 DCR 1753).

Section 3 of D.C. Act 12-291 provided that the Mayor may issue rules to implement the provisions of the act.

Section 5 of D.C. Act 12-291 provided for the application of the act.

§ 40-625. Answer.

Emergency act amendments.

For temporary amendment of section, see § 2(b) of the Fleet Traffic Adjudication Congressional Review Emergency Amendment Act

of 1998 (D.C. Act 12-291, February 27, 1998, 45 DCR 1753).

Section 5 of D.C. Act 12-291 provided for the application of the act.

CHAPTER 7. REGULATION OF TRAFFIC.

Subchapter I. General Provisions.

Sec.

40-703. Mayor to make rules; Department of Transportation; Director; Congressional parking; title fees; common carriers; penalties; prosecutions; publication of regulations; excise tax; impoundment for outstanding violations.

Sec.

40-716. Fleeing from scene of accident; driving under the influence of liquor or drugs.

40-717. [Repealed].

40-717.1. Prima facie evidence of intoxication.

Subchapter I. General Provisions.

§ 40-703. Mayor to make rules; Department of Transportation; Director; Congressional parking; title fees; common carriers; penalties; prosecutions; publication of regulations; excise tax; impoundment for outstanding violations.

* * * * *

(j)

* * * * *

(3) The issuance of certificates of title for the following motor vehicles and trailers shall be exempt from the tax imposed by this subsection:

* * * * *

(H) Previously permanently registered motor vehicles and trailers purchased or acquired by nonresidents prior to coming into the District of Columbia and establishing or maintaining residences in the District.

* * * * *

(Mar. 26, 1999, D.C. Law 12-175, § 802, 45 DCR 7193.)

Effect of amendments. — D.C. Law 12-175 added (j)(3)(H).

Emergency act amendments. — For temporary amendment of section, see § 502 of the Fiscal Year 1999 Budget Support Emergency Act of 1998 (D.C. Act 12-401, July 13, 1998, 45 DCR 4794), § 502 of the Fiscal Year 1999 Budget Support Congressional Review Emergency Act of 1998 (D.C. Act 12-564, January 12, 1999, 46 DCR 669), and § 502 of the Fiscal Year 1999 Budget Support Congressional Review Emergency Act of 1999 (D.C. Act 13-41, March 31, 1999, 46 DCR 3446).

Section 2101 of D.C. Act 12-564 provides for the application of the act.

Section 2101 of D.C. Act 13-41 provides for the application of the act.

Legislative history of Law 9-19. — Law 9-19, the “Omnibus Budget Support Temporary Act of 1991,” was introduced in Council and assigned Bill No. 9-205. The Bill was adopted on first and second readings on May 7, 1991, and June 4, 1991, respectively. Signed by the Mayor on June 21, 1991, it was assigned Act No. 9-43 and transmitted to both Houses of Congress for its review.

Legislative history of Law 12-175. — Law 12-175, the “Fiscal Year 1999 Budget Support Act of 1998,” was introduced in Council and assigned Bill No. 12-618, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on May 5, 1998 and June 2, 1998, respectively. Signed by the Mayor on June 23, 1998, it was assigned Act No. 12-399 and transmitted to both Houses

of Congress for its review. D.C. Law 12-175 became effective on March 26, 1999.

§ 40-716. Fleeing from scene of accident; driving under the influence of liquor or drugs.

* * * * *

(b)(1) No individual shall, when the individual's blood contains .08% or more, by weight, of alcohol (or when .38 micrograms or more of alcohol are contained in 1 milliliter of his breath, consisting of substantially alveolar air), or defendant's urine contains .10% or more, by weight, of alcohol, or under the influence of intoxicating liquor or any drug or any combination thereof, operate or be in physical control of any vehicle in the District. No individual under 21 years of age shall, when the individual's blood, breath, or urine contains any measurable amount of alcohol, operate or be in physical control of any vehicle in the District. Any individual violating any provision of this paragraph, upon conviction for the first offense, unless the individual has previously been convicted for a violation of paragraph (2) of this subsection, shall be fined \$300 and in addition may be imprisoned for not more than 90 days; upon conviction for the second offense, or for the first offense following a previous conviction for a violation of paragraph (2) of this subsection, within a 15-year period, shall be fined an amount not less than \$1,000 and not more than \$5,000 and in addition may be imprisoned for not more than 1 year; and, upon conviction for the third or any subsequent offense, or for the second offense following a previous conviction for a violation of paragraph (2) of this subsection, within a 15-year period, shall be fined an amount not less than \$2,000 and not more than \$10,000 and in addition may be imprisoned for not more than 1 year.

* * * * *

(d) The Mayor or his designated agent shall revoke the operator's permit or the privilege to drive a motor vehicle in the District of Columbia, or revoke both such permit and privilege, of any person who is convicted in the District of any of the following offenses:

(1) Operating or being in control of a vehicle while the individual's blood contains .08% or more, by weight, of alcohol, or while .38 micrograms or more of alcohol are contained in 1 milliliter of the individual's breath, consisting substantially of alveolar air, or while the individual's urine contains .10% or more, by weight, of alcohol, or while under the influence of intoxicating liquor or any drug or any combination thereof.

* * * * *

(Apr. 13, 1999, D.C. Law 12-212, § 2(a), 46 DCR 5.)

I. GENERAL CONSIDERATION.

Effect of amendments. — D.C. Law 12-212 substituted “.08%”, “.38 micrograms”, and “.10%” for “.10%”, “.48 micrograms”, and “.13%”, respectively, in the first sentence of (b)(1); and rewrote (d)(1).

Legislative history of Law 12-212. — Law 12-212, the “Anti-Drunk Driving Amendment Act of 1998,” was introduced in Council and assigned Bill No. 12-581, which was referred to the Committee on Public Works and the Environment. The Bill was adopted on first and second readings on October 6, 1998, and No-

venember 10, 1998, respectively. Signed by the Mayor on December 1, 1998, it was assigned Act No. 12-517 and transmitted to both Houses of Congress for its review. D.C. Law 12-212 became effective on April 13, 1999.

Expiration of Law 12-212. — Section 8(b) of D.C. Law 12-212 provided that the act shall expire on September 30, 2000.

Cited in Parrish v. District of Columbia, App. D.C., 718 A.2d 133 (1998).

§ 40-717. Prima facie evidence of intoxication; relevant evidence of use of intoxicating liquor.

Repealed.

(Mar. 4, 1958, 72 Stat. 30, 31, Pub. L. 85-338, §§ 1, 2; Oct. 21, 1972, 86 Stat. 1018, Pub. L. 92-519, § 8; 1973 Ed., § 40-609a; Sept. 14, 1982, D.C. Law 4-145, § 11(a), 29 DCR 3138.)

Editor's notes. — This section is set out above to provide historical information.

§ 40-717.1. Prima facie evidence of intoxication.

If as a result of the operation of a vehicle, any person is tried in any court of competent jurisdiction within the District of Columbia for operating such vehicle while under the influence of any intoxicating liquor or while the ability to operate a vehicle is impaired by the consumption of intoxicating liquor in violation of § 40-716(b), negligent homicide in violation of § 40-713, or manslaughter committed in the operation of such vehicle in violation of § 22-2405 and in the course of such trial there is received in evidence, based upon a chemical test, competent proof to the effect that at the time of such operation:

(1) Defendant's blood contained less than .03%, by weight, of alcohol, or defendant's urine contained less than .04%, by weight, of alcohol, or that at the time of the test less than .14 micrograms of alcohol were contained in 1 milliliter of his or her breath, consisting of substantially alveolar air, this evidence shall not establish a presumption that the defendant was or was not, at the time, under the influence of intoxicating liquor, but it may be considered with other competent evidence in determining whether the defendant was under the influence of intoxicating liquor; and

* * * * *

(Apr. 13, 1999, D.C. Law 12-212, § 5, 46 DCR 5.)

Effect of amendments. — D.C. Law 12-212 substituted “.03%”, “.04%”, and “.14 micrograms” for “.05 percent”, “.06%”, and “.24 micrograms”, respectively, in (1).

Legislative history of Law 12-212. — See note to § 40-716.

Expiration of Law 12-212. — See note to § 40-716.

§ 40-718.1. Tinted windows prohibited.

Constitutionality. — A rational basis exists for excluding limousines and vehicles that are in compliance with federal tinting standards from the proscriptions of this section. Tucker v.

United States, App. D.C., 704 A.2d 845 (1997).

Cited in Tucker v. United States, 708 A.2d 645 (D.C. 1998).

CHAPTER 8. REGULATION OF PARKING.

Subchapter I. General Provisions.

pounded; abandoned and junk vehicles; penalties.

Sec.

40-812. Parking restrictions — vehicles im-

*Subchapter I. General Provisions.***§ 40-812. Parking restrictions — Vehicles impounded; abandoned and junk vehicles; penalties.**

(a) It shall be a violation of Chapter 6 of this title, to park, store, or leave a vehicle of any kind, including an abandoned or junk vehicle, whether attended or not, or for the owner of any vehicle to allow the vehicle to be parked, stored, or left, whether attended or not, upon any public or private property in the District of Columbia, including any public highway, lot, field, road, street, lane, or other property without the consent of the owner of the public or private property. It shall also be a violation of Chapter 6 of this title, even when the owner consents to having the abandoned or junk vehicle parked, stored, or left on the property, to do the following: to park, store, or leave an abandoned or junk vehicle on public property; or to park, store, or leave an abandoned or junk vehicle on private property for more than 3 months. The Abandoned and Junk Vehicle Division shall remove and impound any abandoned or junk vehicle that is parked, stored, or left in violation of this subchapter and keep the abandoned or junk vehicle impounded until an owner or authorized person pays the Abandoned and Junk Vehicle Division a towing fee of \$75 and a reasonable fee for storage.

* * * * *

(Apr. 20, 1999, D.C. Law 12-264, §§ 44, 64, 46 DCR 2118.)

Effect of amendments.

D.C. Law 12-264 inserted the second sentence in (a).

Emergency act amendments. — For temporary amendment of section, see § 2 of the Prohibition on Abandoned Vehicles Emergency Amendment Act of 1998 (D.C. Act 12-526, December 16, 1998, 45 DCR 15).

Legislative history of Law 12-264. — Law 12-264, the “Technical Amendments Act of

1998,” was introduced in Council and assigned Bill No. 12-804, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on November 10, 1998, and December 1, 1998, respectively. Signed by the Mayor on January 7, 1999, it was assigned Act No. 12-626 and transmitted to both Houses of Congress for its review. D.C. Law 12-264 became effective on April 20, 1999.

CHAPTER 8A. ABANDONED AND JUNK VEHICLE REMOVAL.

Sec.

40-832. Abandoned and Junk Vehicle Division established.

§ 40-832. Abandoned and Junk Vehicle Division established.

* * * * *

(b) The Mayor shall use personnel who are charged with private or public space inspection, sanitation inspection, and traffic and parking enforcement responsibilities to investigate and place warning notices on abandoned and junk vehicles.

* * * * *

(Apr. 20, 1999, D.C. Law 12-261, § 3003, 46 DCR 3142.)

Effect of amendments. — D.C. Law 12-261 rewrote (b).

Legislative history of Law 12-261. — Law 12-261, the “Second Omnibus Regulatory Reform Amendment Act of 1998,” was introduced in Council and assigned Bill No. 12-845, which was referred to the Committee of the Whole.

The Bill was adopted on first and second readings on December 1, 1998, and December 15, 1998, respectively. Signed by the Mayor on December 31, 1998, it was assigned Act No. 12-615 and transmitted to both Houses of Congress for its review. D.C. Law 12-261 became effective on April 20, 1999.

CHAPTER 10. LIENS ON MOTOR VEHICLES OR TRAILERS.

Sec.

40-1004. Same — Form and requirements of instrument creating lien; when lien not entered.

§ 40-1004. Same — Form and requirements of instrument creating lien; when lien not entered.

(a) An instrument:

* * * * *

(2) Shall show the name and address of the holder, the trade name and engine, serial or identification number of the motor vehicle or the trade name and serial number, if any, of the trailer; and

* * * * *

(b) A lien shall not be entered upon a certificate unless:

(1) The motor vehicle or trailer has been previously titled or registered in this or some other jurisdiction and the lien is shown upon such previous certificate, title, registry, or proof of ownership;

* * * * *

(Apr. 20, 1999, D.C. Law 12-264, § 45, 46 DCR 2118.)

Effect of amendments. — D.C. Law 12-264 validated previously made technical corrections in (a)(2) and (b)(1).

Legislative history of Law 12-264. — Law 12-264, the “Technical Amendments Act of 1998,” was introduced in Council and assigned

Bill No. 12-804, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on November 10, 1998, and December 1, 1998, respectively.

Signed by the Mayor on January 7, 1999, it was assigned Act No. 12-626 and transmitted to both Houses of Congress for its review. D.C. Law 12-264 became effective on April 20, 1999.

CHAPTER 13. AUTOMOBILE CONSUMER PROTECTION.

Sec.

40-1303. Arbitration.

40-1310. Suspension of enforcement.

§ 40-1303. Arbitration.

(a) There is established in the Department of Consumer and Regulatory Affairs a Board of Consumer Claims Arbitration for the District of Columbia. The Board shall consist of 7 members who shall be appointed by the Mayor.

* * * * *

(_____, 1999, D.C. Law 12- (Act 12-622), § 4(h), 46 DCR 1355.)

Effect of amendments. — D.C. Law 12- (D.C. Act 12-622) deleted “with the advice and consent of the Council” from the end of the last sentence in (a).

Emergency act amendments. — For temporary amendment of section, see § 4(h) of the Confirmation Emergency Amendment Act of 1999 (D.C. Act 13-25, March 15, 1999, 46 DCR 2971).

Section 6 of D.C. Act 13-25 provides for the application of the act.

Legislative history of Law 12-(D.C. Act 12-622). — Law 12-(D.C. Act 12-622), the “Con-

firmation Amendment Act of 1998,” was introduced in Council and assigned Bill No. _____, which was referred to the Committee on _____. The Bill was adopted on first and second readings on _____, and _____, respectively. Signed by the Mayor on _____, it was assigned Act No. 12-622 and transmitted to both Houses of Congress for its review. D.C. Law 12-(D.C. Act 12-622) became effective on _____.

§ 40-1310. Suspension of enforcement.

Notwithstanding any other provision of District law, enforcement of this chapter by the Department of Consumer and Regulatory Affairs is suspended until October 1, 2000. (Mar. 14, 1985, D.C. Law 5-162, § 11a, as added, Sept. 26, 1995, D.C. Law 11-52, § 811, 42 DCR 3684; Mar. 26, 1999, D.C. Law 12-175, § 1402, 45 DCR 7193.)

Effect of amendments. — D.C. Law 12-175 substituted “October 1, 2000” for “October 1, 1998.”

Emergency act amendments.

For temporary amendment of section, see § 1002 of the Fiscal Year 1999 Budget Support Emergency Act of 1998 (D.C. Act 12-401, July 13, 1998, 45 DCR 4794), § 1002 of the Fiscal Year 1999 Budget Support Congressional Review Emergency Act of 1998 (D.C. Act 12-564, January 12, 1999, 46 DCR 669), and § 1002 of the Fiscal Year 1999 Budget Support Congressional Review Emergency Act of 1999 (D.C. Act 13-41, March 31, 1999, 46 DCR 3446).

Section 2101 of D.C. Act 12-564 provides for the application of the act.

Section 2101 of D.C. Act 13-41 provides for the application of the act.

Legislative history of Law 12-175. — Law 12-175, the “Fiscal Year 1999 Budget Support Act of 1998,” was introduced in Council and assigned Bill No. 12-618, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on May 5, 1998, and June 2, 1998, respectively. Signed by the Mayor on June 23, 1998, it was assigned Act No. 12-399 and transmitted to both Houses of Congress for its review. D.C. Law 12-175 became effective on March 26, 1999.

CHAPTER 17. REGULATION OF TAXICABS.

Sec. 40-1705. Same — Membership; appointment; terms; chairperson.	Sec. 40-1709.1. [Repealed].
40-1707. Duties of Commission; jurisdiction, powers, and duties of Commission panels.	40-1719. License requirement.

§ 40-1701. Findings.

Rescission of Delegation of Authority Pursuant to D.C. Law 6-97, the “District of Columbia Taxicab Commission Establishment Act of 1985.” — See Mayor’s Order 98-174, November 10, 1998 (45 DCR 8201).

Cited in Dial A Car, Inc. v. Transportation, Inc., 132 F.3d 743 (D.C. Cir. 1998).

§ 40-1702. Purposes.

Cited in DCX, Inc. v. District of Columbia Taxicab Comm’n, App. D.C., 705 A.2d 1096 (1998); Dial A Car, Inc. v. Transportation, Inc., 132 F.3d 743 (D.C. Cir. 1998).

§ 40-1704. District of Columbia Taxicab Commission — Established.

Section references. — This section is referred to in §§ 1-633.7 and 40-1703.

Cited in Dial A Car, Inc. v. Transportation, Inc., 132 F.3d 743 (D.C. Cir. 1998).

§ 40-1705. Same — Membership; appointment; terms; chairperson.

(a) The Commission shall consist of 9 members. Five of the members, who shall be public members, shall be appointed by the Mayor with the advice and consent of the Council, and shall be drawn from the public at large. Three of the members, who shall be industry members, shall be appointed by the Mayor with the advice and consent of the Council, and shall have experience in taxicab industry operations in the District. The remaining member of the Commission shall be appointed by the Mayor with advice and consent of the Council and shall serve as chairperson of the Commission. The chairperson shall have experience in the field of transportation administration or regulation. The Mayor shall transmit to the Council, for a 90-day period of review, excluding days of Council recess, a nominee for member or chairperson. If the Council does not approve the nomination by resolution within this 90-day review period, the nomination shall be deemed disapproved. The Mayor shall designate a public member to serve as chairperson when the office of the chairperson is vacant and until a successor has been appointed.

* * * * *

(_____, 1999, D.C. Law 12- (Act 12-622), § 4(f), 46 DCR 1355.)

Effect of amendments. the sixth sentence and inserted the present seventh sentence.

D.C. Law 12-(D.C. Act 12-622), in (a), rewrote

Emergency act amendments.

For temporary amendment of section, see § 4(f) of the Confirmation Emergency Amendment Act of 1999 (D.C. Act 13-25, March 15, 1999, 46 DCR 2971).

Section 6 of D.C. Act 13-25 provides for the application of the act.

Legislative history of Law 12- (D.C. Act 12-622). — Law 12-(D.C. Act 12-622), the "Confirmation Amendment Act of 1998," was intro-

duced in Council and assigned Bill No. _____, which was referred to the Committee on _____. The Bill was adopted on first and second readings on _____, and _____, respectively. Signed by the Mayor on _____, it was assigned Act No. 12-622 and transmitted to both Houses of Congress for its review. D.C. Law 12-(D.C. Act 12-622) became effective on _____.

§ 40-1707. Duties of Commission; jurisdiction, powers, and duties of Commission panels.

* * * * *

(b) The responsibility of the Commission specified in subsection (a) of this section shall be effected as follows:

* * * * *

(2) The Commission's Panel on Adjudication shall have the jurisdiction, power, and duty to:

* * * * *

(D) Hear and decide upon complaints and appeals taken from any order, act, practice, or policy implemented by the Office relating to the taxicab industry; and

* * * * *

(Apr. 20, 1999, D.C. Law 12-264, § 46, 46 DCR 2118.)

Effect of amendments. — D.C. Law 12-264 validated a previously made technical correction in (b)(2)(D).

Legislative history of Law 12-264. — Law 12-264, the "Technical Amendments Act of 1998," was introduced in Council and assigned Bill No. 12-804, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on November 10,

1998, and December 1, 1998, respectively. Signed by the Mayor on January 7, 1999, it was assigned Act No. 12-626 and transmitted to both Houses of Congress for its review. D.C. Law 12-264 became effective on April 20, 1999.

Cited in DCX, Inc. v. District of Columbia Taxicab Comm'n, App. D.C., 705 A.2d 1096 (1998); Dial A Car, Inc. v. Transportation, Inc., 132 F.3d 743 (D.C. Cir. 1998).

§ 40-1709. Panel on Consumer and Industry Concerns; quorum; adjudication and rulemaking requirements.

Cited in DCX, Inc. v. District of Columbia Taxicab Comm'n, App. D.C., 705 A.2d 1096 (1998).

§ 40-1709.1. Hearing examiner; appointment, powers and duties; appeals.

Repealed.

(Mar. 25, 1986, D.C. Law 6-97, § 10a, as added Jan. 30, 1990, D.C. Law 8-59, § 2(c), 36 DCR 7384; May 1, 1990, D.C. Law 8-107, § 2(c), 37 DCR 1623; Apr. 9, 1997, D.C. Law 11-198, § 501(e), 43 DCR 4569.)

Editor's notes. — This section is set out above to provide historical information.

§ 40-1714. Insurance.

Requirements of subsection (h). — Subsection (h) of this section provides that an insurer must meet two separate requirements that are separately enforceable by fines of up to \$500.00 each under § 40-1715(d). *DCX, Inc. v. District of Columbia Taxicab Comm'n*, App. D.C., 705 A.2d 1096 (1998).

Penalties for violations of (h) not cumulative. — Section 40-1715(d) does not allow for cumulative penalties for violations of subsection (h) of this section. *DCX, Inc. v. District of Columbia Taxicab Comm'n*, App. D.C., 705 A.2d 1096 (1998).

§ 40-1715. Sinking funds; blanket policies.

Requirements of § 40-1714(h). — Section 40-1714(h) provides that an insurer must meet two separate requirements that are separately enforceable by fines of up to \$500.00 each under subsection (d) of this section. *DCX, Inc. v. District of Columbia Taxicab Comm'n*, App.

D.C., 705 A.2d 1096 (1998).

Penalties in (d) not cumulative. — Subsection (d) of this section does not allow for cumulative penalties for violations of § 40-714(h). *DCX, Inc. v. District of Columbia Taxicab Comm'n*, App. D.C., 705 A.2d 1096 (1998).

§ 40-1719. License requirement.

* * * * *

(c) Any license issued pursuant to this section shall be issued as a Class A Inspected Sales and Services endorsement to a master business license under the master business license system as set forth in subchapter 1A of Chapter 28 of Title 47. (Mar. 25, 1986, D.C. Law 6-97, § 20, 33 DCR 703; Sept. 22, 1994, D.C. Law 10-171, § 2(c), 41 DCR 5149; Apr. 20, 1999, D.C. Law 12-261, § 2003(o), 46 DCR 3142.)

Effect of amendments. — D.C. Law 12-261 added (c).

Legislative history of Law 12-261. — Law 12-261, the "Second Omnibus Regulatory Reform Amendment Act of 1998," was introduced in Council and assigned Bill No. 12-845, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on December 1, 1998, and December 15,

1998, respectively. Signed by the Mayor on December 31, 1998, it was assigned Act No. 12-615 and transmitted to both Houses of Congress for its review. D.C. Law 12-261 became effective on April 20, 1999.

No private right of action. — There is no private right of action under this section. *Dial A Car, Inc. v. Transportation, Inc.*, 132 F.3d 743 (D.C. Cir. 1998).

CHAPTER 20. ALTERNATIVE FUELS TECHNOLOGY.

§ 40-2014. Financial and operational incentives for use of alternative fuels.

Temporary addition of chapter. — Section 2 of D.C. Law 12-222 added a new Chapter 21 to read as follows:

"§ 40-2101. Installation of traffic control devices.

"(a) The Mayor is authorized to install traffic

control devices, as deemed necessary, after completing an investigation of school zones.

“(b) The Mayor shall, when conducting an investigation, consider the number of persons who have been hit by a vehicle, bicycle, or motorcycle in a school zone, the likelihood of these accidents occurring in the future and the volume of traffic.

“(c) The District of Columbia Public Schools and the Metropolitan Police Department shall submit monthly statistical reports to the Mayor which shall include:

“(1) The number of persons who were hit by a vehicle, bicycle or motorcycle in and around school zones; and

“(2) The type of injuries suffered.

“(d) The information in subsection (c) of this section shall be made available, within 15 days from the date of request from the Mayor.

“(e) School zones shall have a speed limit posted at 15 miles per hour and signs erected warning of the existence of children. For those school zones that have a traffic control device, signs shall be erected warning of the existence of these devices.

“(f) At least 1 crossing guard shall be placed at elementary schools. Crossing guards shall be placed at middle or junior high schools, and high schools where deemed necessary by the Metropolitan Police Department.

“(g) Traffic control devices, when constructed and posted pursuant to this section, shall not be deemed obstructions of the road or street. No action shall be brought on behalf of any party against the District for damages caused by a speed control device.

“(h) The Mayor shall submit a report to the Council which shall include the findings of the investigation and the type of traffic control devices that should be installed at all school zones within 60 days from the effective date of this chapter.

“(i) For purposes of this chapter, “traffic control devices” includes traffic signals, flashing red and yellow signals, stop signs, signs that warn of the existence of children, markers, speed humps or bumps, rumble strips, or signs that reduce the speed limit.”

Section 4(b) of D.C. Law 12-222 provides that the act shall expire after 225 days of its having taken effect.

Emergency act amendments. — For temporary addition of a new Chapter 21 of Title 40, consisting of § 40-2101, see § 2 of the School Proximity Traffic Calming Emergency Act of 1998 (D.C. Act 12-529, December 16, 1998, 46 DCR 478), and § 2 of the School Proximity Traffic Calming Congressional Review Emergency Act of 1999 (D.C. Act 13-43, March 31, 1999, 46 DCR 3623).

Legislative history of Law 12-222. — Law 12-222, the “School Proximity Traffic Calming Temporary Act of 1998,” was introduced in Council and assigned Bill No. 12-840. The Bill was adopted on first and second readings on November 10, 1998, and December 1, 1998, respectively. Signed by the Mayor on December 9, 1998, it was assigned Act No. 12-537 and transmitted to both Houses of Congress for its review. D.C. Law 12-222 became effective on April 13, 1999.

TITLE 41. PARTNERSHIPS.

CHAPTER 1. UNIFORM PARTNERSHIPS.

Sec.

41-101 to 41-148. [Repealed].

§ 41-101. Definition of terms.

Repealed.

(Sept. 27, 1962, 76 Stat. 636, Pub. L. 87-709, § 2; 1973 Ed., § 41-301; Oct. 15, 1993, D.C. Law 10-34, § 2(a), 40 DCR 5764; Jan. 1, 1998, D.C. Law 11-234, § 1203, 44 DCR 777.)

Editor's notes. — Sections 41-101 through 41-148 are set out to provide historical information.

§ 41-102. Interpretation of knowledge and notice.

Repealed.

(Sept. 27, 1962, 76 Stat. 636, Pub. L. 87-709, § 3; 1973 Ed., § 41-302; Jan. 1, 1998, D.C. Law 11-234, § 1203, 44 DCR 777.)

§ 41-103. Rules of construction.

Repealed.

(Sept. 27, 1962, 76 Stat. 636, Pub. L. 87-709, § 4; 1973 Ed., § 41-303; Jan. 1, 1998, D.C. Law 11-234, § 1203, 44 DCR 777.)

§ 41-104. Rules for cases not provided for in this chapter.

Repealed.

(Sept. 27, 1962, 76 Stat. 636, Pub. L. 87-709, § 5; 1973 Ed., § 41-304; Jan. 1, 1998, D.C. Law 11-234, § 1203, 44 DCR 777.)

§ 41-105. "Partnership" defined.

Repealed.

(Sept. 27, 1962, 76 Stat. 636, Pub. L. 87-709, § 6; 1973 Ed., § 41-305; Jan. 1, 1998, D.C. Law 11-234, § 1203, 44 DCR 777.)

§ 41-105.1. Registration and fees.

Repealed.

(Sept. 27, 1962, 76 Stat. 637, Pub. L. 87-709, § 6a, as added by Oct. 15, 1993, D.C. Law 10-34, § 2(b), 40 DCR 5764; Jan. 1, 1998, D.C. Law 11-234, § 1203, 44 DCR 777.)

§ 41-106. Rules for determining the existence of a partnership.

Repealed.

(Sept. 27, 1962, 76 Stat. 637, Pub. L. 87-709, § 7; 1973 Ed., § 41-306; Jan. 1, 1998, D.C. Law 11-234, § 1203, 44 DCR 777.)

§ 41-107. Partnership property; acquisition and conveyance of title.

Repealed.

(Sept. 27, 1962, 76 Stat. 637, Pub. L. 87-709, § 8; 1973 Ed., § 41-307; Jan. 1, 1998, D.C. Law 11-234, § 1203, 44 DCR 777.)

§ 41-108. Role of partners in partnership business; acts requiring authorization for binding; acts requiring authorization by all partners.

Repealed.

(Sept. 27, 1962, 76 Stat. 637, Pub. L. 87-709, § 9; 1973 Ed., § 41-308; Jan. 1, 1998, D.C. Law 11-234, § 1203, 44 DCR 777.)

§ 41-109. Conveyance of real property of the partnership.

Repealed.

(Sept. 27, 1962, 76 Stat. 638, Pub. L. 87-709, § 10; 1973 Ed., § 41-309; Jan. 1, 1998, D.C. Law 11-234, § 1203, 44 DCR 777.)

§ 41-110. Admissions or representations deemed binding on partnership.

Repealed.

(Sept. 27, 1962, 76 Stat. 638, Pub. L. 87-709, § 11; 1973 Ed., § 41-310; Jan. 1, 1998, D.C. Law 11-234, § 1203, 44 DCR 777.)

§ 41-111. Partnership charged with knowledge of or notice to partner.

Repealed.

(Sept. 27, 1962, 76 Stat. 638, Pub. L. 87-709, § 12; 1973 Ed., § 41-311; Jan. 1, 1998, D.C. Law 11-234, § 1203, 44 DCR 777.)

§ 41-112. Liability — Wrongful act of partner.

Repealed.

(Sept. 27, 1962, 76 Stat. 638, Pub. L. 87-709, § 13; 1973 Ed., § 41-312; Jan. 1, 1998, D.C. Law 11-234, § 1203, 44 DCR 777.)

§ 41-113. Same — Partner's breach of trust.

Repealed.

(Sept. 27, 1962, 76 Stat. 639, Pub. L. 87-709, § 14; 1973 Ed., § 41-313; Jan. 1, 1998, D.C. Law 11-234, § 1203, 44 DCR 777.)

§ 41-114. Same — Extent for partnership.

Repealed.

(Sept. 27, 1962, 76 Stat. 639, Pub. L. 87-709, § 15; 1973 Ed., § 41-314; Jan. 1, 1998, D.C. Law 11-234, § 1203, 44 DCR 777.)

§ 41-115. Same — Partner by estoppel.

Repealed.

(Sept. 27, 1962, 76 Stat. 639, Pub. L. 87-709, § 16; 1973 Ed., § 41-315; Jan. 1, 1998, D.C. Law 11-234, § 1203, 44 DCR 777.)

§ 41-116. Same — Incurred by incoming partner.

Repealed.

(Sept. 27, 1962, 76 Stat. 639, Pub. L. 87-709, § 17; 1973 Ed., § 41-316; Jan. 1, 1998, D.C. Law 11-234, § 1203, 44 DCR 777.)

§ 41-117. Rules determining rights and duties of partners.

Repealed.

(Sept. 27, 1962, 76 Stat. 639, Pub. L. 87-709, § 18; 1973 Ed., § 41-317; Jan. 1, 1998, D.C. Law 11-234, § 1203, 44 DCR 777.)

§ 41-118. Partnership books; right to inspect.

Repealed.

(Sept. 27, 1962, 76 Stat. 640, Pub. L. 87-709, § 19; 1973 Ed., § 41-318; Jan. 1, 1998, D.C. Law 11-234, § 1203, 44 DCR 777.)

§ 41-119. Duty of partners to render information.

Repealed.

(Sept. 27, 1962, 76 Stat. 640, Pub. L. 87-709, § 20; 1973 Ed., § 41-319; Jan. 1, 1998, D.C. Law 11-234, § 1203, 44 DCR 777.)

§ 41-120. Partner accountable as a fiduciary.

Repealed.

(Sept. 27, 1962, 76 Stat. 640, Pub. L. 87-709, § 21; 1973 Ed., § 41-320; Jan. 1, 1998, D.C. Law 11-234, § 1203, 44 DCR 777.)

§ 41-121. Right to an account.

Repealed.

(Sept. 27, 1962, 76 Stat. 640, Pub. L. 87-709, § 22; 1973 Ed., § 41-321; Jan. 1, 1998, D.C. Law 11-234, § 1203, 44 DCR 777.)

§ 41-122. Continuation of partnership beyond fixed term; rights and duties of partners.

Repealed.

(Sept. 27, 1962, 76 Stat. 640, Pub. L. 87-709, § 23; 1973 Ed., § 41-322; Jan. 1, 1998, D.C. Law 11-234, § 1203, 44 DCR 777.)

§ 41-123. Property rights of partner — Extent.

Repealed.

(Sept. 27, 1962, 76 Stat. 641, Pub. L. 87-709, § 24; 1973 Ed., § 41-323; Jan. 1, 1998, D.C. Law 11-234, § 1203, 44 DCR 777.)

§ 41-124. Same — Specific partnership property; assignability; attachment or execution.

Repealed.

(Sept. 27, 1962, 76 Stat. 641, Pub. L. 87-709, § 25; 1973 Ed., § 41-324; Oct. 1, 1976, D.C. Law 1-87, § 39, 23 DCR 2544; Jan. 1, 1998, D.C. Law 11-234, § 1203, 44 DCR 777.)

§ 41-125. Partner's interest in partnership — Profits and surplus.

Repealed.

(Sept. 27, 1962, 76 Stat. 641, Pub. L. 87-709, § 26; 1973 Ed., § 41-325; Jan. 1, 1998, D.C. Law 11-234, § 1203, 44 DCR 777.)

§ 41-126. Same — Effect of assignment on partnership; rights of assignee.

Repealed.

(Sept. 27, 1962, 76 Stat. 641, Pub. L. 87-709, § 27; 1973 Ed., § 41-326; Jan. 1, 1998, D.C. Law 11-234, § 1203, 44 DCR 777.)

§ 41-127. Same — Charging order; appointment of receiver; redemption of interest charged.

Repealed.

(Sept. 27, 1962, 76 Stat. 641, Pub. L. 87-709, § 28; 1973 Ed., § 41-327; Jan. 1, 1998, D.C. Law 11-234, § 1203, 44 DCR 777.)

§ 41-128. "Dissolution" defined.

Repealed.

(Sept. 27, 1962, 76 Stat. 642, Pub. L. 87-709, § 29; 1973 Ed., § 41-328; Jan. 1, 1998, D.C. Law 11-234, § 1203, 44 DCR 777.)

§ 41-129. Dissolution — No termination of partnership.

Repealed.

(Sept. 27, 1962, 76 Stat. 642, Pub. L. 87-709, § 30; 1973 Ed., § 41-329; Jan. 1, 1998, D.C. Law 11-234, § 1203, 44 DCR 777.)

§ 41-130. Same — Causes.

Repealed.

(Sept. 27, 1962, 76 Stat. 642, Pub. L. 87-709, § 31; 1973 Ed., § 41-330; Jan. 1, 1998, D.C. Law 11-234, § 1203, 44 DCR 777.)

§ 41-131. Same — Decree of court.

Repealed.

(Sept. 27, 1962, 76 Stat. 642, Pub. L. 87-709, § 32; 1973 Ed., § 41-331; Jan. 1, 1998, D.C. Law 11-234, § 1203, 44 DCR 777.)

§ 41-132. Same — Effect on authority of partner.

Repealed.

(Sept. 27, 1962, 76 Stat. 643, Pub. L. 87-709, § 33; 1973 Ed., § 41-332; Jan. 1, 1998, D.C. Law 11-234, § 1203, 44 DCR 777.)

§ 41-133. Same — Right of partner to contribution from copartners.

Repealed.

(Sept. 27, 1962, 76 Stat. 643, Pub. L. 87-709, § 34; 1973 Ed., § 41-333; Jan. 1, 1998, D.C. Law 11-234, § 1203, 44 DCR 777.)

§ 41-134. Same — Power of partner to bind partnership; liability of partner.

Repealed.

(Sept. 27, 1962, 76 Stat. 643, Pub. L. 87-709, § 35; 1973 Ed., § 41-334; Jan. 1, 1998, D.C. Law 11-234, § 1203, 44 DCR 777.)

§ 41-135. Same — Effect on partner's existing liability; discharge of liability.

Repealed.

(Sept. 27, 1962, 76 Stat. 644, Pub. L. 87-709, § 36; 1973 Ed., § 41-335; Jan. 1, 1998, D.C. Law 11-234, § 1203, 44 DCR 777.)

§ 41-136. Same — Right to wind up.

Repealed.

(Sept. 27, 1962, 76 Stat. 644, Pub. L. 87-709, § 37; 1973 Ed., § 41-336; Jan. 1, 1998, D.C. Law 11-234, § 1203, 44 DCR 777.)

§ 41-137. Same — Right of partners to application of partnership property.

Repealed.

(Sept. 27, 1962, 76 Stat. 644, Pub. L. 87-709, § 38; 1973 Ed., § 41-337; Jan. 1, 1998, D.C. Law 11-234, § 1203, 44 DCR 777.)

§ 41-138. Same — Fraud or misrepresentation; rights of partner.

Repealed.

(Sept. 27, 1962, 76 Stat. 645, Pub. L. 87-709, § 39; 1973 Ed., § 41-338; Jan. 1, 1998, D.C. Law 11-234, § 1203, 44 DCR 777.)

§ 41-139. Same — Order of distribution of assets; liabilities; contribution of partners to satisfy liabilities; rights of assignees; partner's right to enforce contributions; distribution of claims against separate property.

Repealed.

(Sept. 27, 1962, 76 Stat. 646, Pub. L. 87-709, § 40; 1973 Ed., § 41-339; Jan. 1, 1998, D.C. Law 11-234, § 1203, 44 DCR 777.)

§ 41-140. Continuing partnership business — Liability of partners in certain cases; rights of creditors.

Repealed.

(Sept. 27, 1962, 76 Stat. 646, Pub. L. 87-709, § 41; 1973 Ed., § 41-340; Jan. 1, 1998, D.C. Law 11-234, § 1203, 44 DCR 777.)

§ 41-141. Same — Rights of retiring or estate of deceased partner.

Repealed.

(Sept. 27, 1962, 76 Stat. 647, Pub. L. 87-709, § 42; 1973 Ed., § 41-341; Jan. 1, 1998, D.C. Law 11-234, § 1203, 44 DCR 777.)

§ 41-142. Accrual of right to account.

Repealed.

(Sept. 27, 1962, 76 Stat. 648, Pub. L. 87-709, § 43; 1973 Ed., § 41-342; Jan. 1, 1998, D.C. Law 11-234, § 1203, 44 DCR 777.)

§ 41-143. Registered limited liability partnerships.

Repealed.

(Sept. 27, 1962, 76 Stat. 648, Pub. L. 87-709, § 44, as added by Oct. 15, 1993, D.C. Law 10-34, § 2(b), 40 DCR 5764; Jan. 1, 1998, D.C. Law 11-234, § 1203, 44 DCR 777.)

§ 41-144. Name of registered limited liability partnerships.

Repealed.

(Sept. 27, 1962, 76 Stat. 648, Pub. L. 87-709, § 45, as added by Oct. 15, 1993, D.C. Law 10-34, § 2(b), 40 DCR 5764; Jan. 1, 1998, D.C. Law 11-234, § 1203, 44 DCR 777.)

§ 41-145. Insurance requirement for registered limited liability partnerships.

Repealed.

(Sept. 27, 1962, 76 Stat. 648, Pub. L. 87-709, § 46, as added by Oct. 15, 1993, D.C. Law 10-34, § 2(b), 40 DCR 5764; Jan. 1, 1998, D.C. Law 11-234, § 1203, 44 DCR 777.)

§ 41-146. Nature of partners' liability in registered limited liability partnerships.

Repealed.

(Sept. 27, 1962, 76 Stat. 648, Pub. L. 87-709, § 47, as added by Oct. 15, 1993, D.C. Law 10-34, § 2(b), 40 DCR 5764; Jan. 1, 1998, D.C. Law 11-234, § 1203, 44 DCR 777.)

§ 41-147. Foreign registered limited liability partnerships.

Repealed.

(Sept. 27, 1962, 76 Stat. 648, Pub. L. 87-709, § 48, as added by Oct. 15, 1993, D.C. Law 10-34, § 2(b), 40 DCR 5764; Jan. 1, 1998, D.C. Law 11-234, § 1203, 44 DCR 777.)

§ 41-148. Applicability of chapter to foreign and interstate commerce.

Repealed.

(Sept. 27, 1962, 76 Stat. 648, Pub. L. 87-709, § 49, as added by Oct. 15, 1993, D.C. Law 10-34, § 2(b), 40 DCR 5764; Jan. 1, 1998, D.C. Law 11-234, § 1203, 44 DCR 777.)

CHAPTER 1A. UNIFORM PARTNERSHIP ACT OF 1996.

Subchapter VIII. Winding Up Partnership Business.

§ 41-158.1. Events causing dissolution and winding up of partnership business.

Cited in Neuman v. Akman, App. D.C., 715 A.2d 127 (1998).

CHAPTER 2. UNIFORM LIMITED PARTNERSHIPS.

Sec.
41-201 to 41-229. [Repealed].

§ 41-201. “Limited partnership” defined.

Repealed.

(Sept. 28, 1962, 76 Stat. 655, Pub. L. 87-716, § 1; 1973 Ed., § 41-401; Dec. 10, 1987, D.C. Law 7-49, § 1105, 34 DCR 6856.)

Editor’s notes. — Sections 41-201 through 41-229 are set out to provide historical information.

§ 41-202. Procedure for formation; filing and recordation of certificate.

Repealed.

(Sept. 28, 1962, 76 Stat. 655, Pub. L. 87-716, § 2; 1973 Ed., § 41-402; Dec. 10, 1987, D.C. Law 7-49, § 1105, 34 DCR 6856.)

§ 41-203. Business which may be carried on.

Repealed.

(Sept. 28, 1962, 76 Stat. 656, Pub. L. 87-716, § 3; 1973 Ed., § 41-403; Dec. 10, 1987, D.C. Law 7-49, § 1105, 34 DCR 6856.)

§ 41-204. Character of limited partner's contribution.

Repealed.

(Sept. 28, 1962, 76 Stat. 656, Pub. L. 87-716, § 4; 1973 Ed., § 41-404; Dec. 10, 1987, D.C. Law 7-49, § 1105, 34 DCR 6856.)

§ 41-205. Liability — Restriction on partnership name.

Repealed.

(Sept. 28, 1962, 76 Stat. 656, Pub. L. 87-716, § 5; 1973 Ed., § 41-405; Dec. 10, 1987, D.C. Law 7-49, § 1105, 34 DCR 6856.)

§ 41-206. Same — False statements in certificate.

Repealed.

(Sept. 28, 1962, 76 Stat. 656, Pub. L. 87-716, § 6; 1973 Ed., § 41-406; Dec. 10, 1987, D.C. Law 7-49, § 1105, 34 DCR 6856.)

§ 41-207. Liability of limited partner to creditors.

Repealed.

(Sept. 28, 1962, 76 Stat. 656, Pub. L. 87-716, § 7; 1973 Ed., § 41-407; Dec. 10, 1987, D.C. Law 7-49, § 1105, 34 DCR 6856.)

§ 41-208. Admission of additional limited partners.

Repealed.

(Sept. 28, 1962, 76 Stat. 656, Pub. L. 87-716, § 8; 1973 Ed., § 41-408; Dec. 10, 1987, D.C. Law 7-49, § 1105, 34 DCR 6856.)

§ 41-209. Rights, powers, and liabilities of a general partner.

Repealed.

(Sept. 28, 1962, 76 Stat. 656, Pub. L. 87-716, § 9; 1973 Ed., § 41-409; Dec. 10, 1987, D.C. Law 7-49, § 1105, 34 DCR 6856.)

§ 41-210. Rights of limited partner.

Repealed.

(Sept. 28, 1962, 76 Stat. 657, Pub. L. 87-716, § 10; 1973 Ed., § 41-410; Dec. 10, 1987, D.C. Law 7-49, § 1105, 34 DCR 6856.)

§ 41-211. Status of a person erroneously believing himself a limited partner.

Repealed.

(Sept. 28, 1962, 76 Stat. 657, Pub. L. 87-716, § 11; 1973 Ed., § 41-411; Dec. 10, 1987, D.C. Law 7-49, § 1105, 34 DCR 6856.)

§ 41-212. One as both general and limited partner.

Repealed.

(Sept. 28, 1962, 76 Stat. 657, Pub. L. 87-716, § 12; 1973 Ed., § 41-412; Dec. 10, 1987, D.C. Law 7-49, § 1105, 34 DCR 6856.)

§ 41-213. Loans and other business transactions with limited partner.

Repealed.

(Sept. 28, 1962, 76 Stat. 657, Pub. L. 87-716, § 13; 1973 Ed., § 41-413; Dec. 10, 1987, D.C. Law 7-49, § 1105, 34 DCR 6856.)

§ 41-214. Relation of limited partners inter se.

Repealed.

(Sept. 28, 1962, 76 Stat. 658, Pub. L. 87-716, § 14; 1973 Ed., § 41-414; Dec. 10, 1987, D.C. Law 7-49, § 1105, 34 DCR 6856.)

§ 41-215. Compensation of limited partner.

Repealed.

(Sept. 28, 1962, 76 Stat. 658, Pub. L. 87-716, § 15; 1973 Ed., § 41-415; Dec. 10, 1987, D.C. Law 7-49, § 1105, 34 DCR 6856.)

§ 41-216. Withdrawal or reduction of limited partner's contribution; limited partner's right to dissolve partnership.

Repealed.

(Sept. 28, 1962, 76 Stat. 658, Pub. L. 87-716, § 16; 1973 Ed., § 41-416; Dec. 10, 1987, D.C. Law 7-49, § 1105, 34 DCR 6856.)

§ 41-217. Liability of limited partner to partnership; waiver of liabilities.

Repealed.

(Sept. 28, 1962, 76 Stat. 658, Pub. L. 87-716, § 17; 1973 Ed., § 41-417; Dec. 10, 1987, D.C. Law 7-49, § 1105, 34 DCR 6856.)

§ 41-218. Nature of limited partner's interest in partnership.

Repealed.

(Sept. 28, 1962, 76 Stat. 659, Pub. L. 87-716, § 18; 1973 Ed., § 41-418; Dec. 10, 1987, D.C. Law 7-49, § 1105, 34 DCR 6856.)

§ 41-219. Assignment of limited partner's interest; rights of assignee; rights, powers, restrictions or substituted limited partner.

Repealed.

(Sept. 28, 1962, 76 Stat. 659, Pub. L. 87-716, § 19; 1973 Ed., § 41-419; Dec. 10, 1987, D.C. Law 7-49, § 1105, 34 DCR 6856.)

§ 41-220. Effect of retirement, death, or insanity of a general partner.

Repealed.

(Sept. 28, 1962, 76 Stat. 659, Pub. L. 87-716, § 20; 1973 Ed., § 41-420; Dec. 10, 1987, D.C. Law 7-49, § 1105, 34 DCR 6856.)

§ 41-221. Death of a limited partner; liabilities.

Repealed.

(Sept. 28, 1962, 76 Stat. 660, Pub. L. 87-716, § 21; 1973 Ed., § 41-421; Dec. 10, 1987, D.C. Law 7-49, § 1105, 34 DCR 6856.)

§ 41-222. Rights of creditors of limited partner.

Repealed.

(Sept. 28, 1962, 76 Stat. 660, Pub. L. 87-716, § 22; 1973 Ed., § 41-422; Dec. 10, 1987, D.C. Law 7-49, § 1105, 34 DCR 6856.)

§ 41-223. Order of distribution of assets.

Repealed.

(Sept. 28, 1962, 76 Stat. 660, Pub. L. 87-716, § 23; 1973 Ed., § 41-423; Dec. 10, 1987, D.C. Law 7-49, § 1105, 34 DCR 6856.)

§ 41-224. Cancellation or amendment of certificate.

Repealed.

(Sept. 28, 1962, 76 Stat. 660, Pub. L. 87-716, § 24; 1973 Ed., § 41-424; Dec. 10, 1987, D.C. Law 7-49, § 1105, 34 DCR 6856.)

§ 41-225. Requirements for amendment and for cancellation of certificate.

Repealed.

(Sept. 28, 1962, 76 Stat. 661, Pub. L. 87-716, § 25; July 29, 1970, 84 Stat. 589, Pub. L. 91-358, title I, § 168(h); 1973 Ed., § 41-425; Dec. 10, 1987, D.C. Law 7-49, § 1105, 34 DCR 6856.)

§ 41-226. Parties to action.

Repealed.

(Sept. 28, 1962, 76 Stat. 661, Pub. L. 87-716, § 26; 1973 Ed., § 41-426; Dec. 10, 1987, D.C. Law 7-49, § 1105, 34 DCR 6856.)

§ 41-227. Rules of construction.

Repealed.

(Sept. 28, 1962, 76 Stat. 662, Pub. L. 87-716, § 28; 1973 Ed., § 41-427; Dec. 10, 1987, D.C. Law 7-49, § 1105, 34 DCR 6856.)

§ 41-228. Rules for cases not provided for in this chapter.

Repealed.

(Sept. 28, 1962, 76 Stat. 662, Pub. L. 87-716, § 29; 1973 Ed., § 41-428; Dec. 10, 1987, D.C. Law 7-49, § 1105, 34 DCR 6856.)

§ 41-229. Provisions for existing limited partnerships.

Repealed.

(Sept. 28, 1962, 76 Stat. 662, Pub. L. 87-716, § 30; 1973 Ed., § 41-429; Dec. 10, 1987, D.C. Law 7-49, § 1105, 34 DCR 6856.)

TITLE 43. PUBLIC UTILITIES.

CHAPTER 4. CREATION OF PUBLIC SERVICE COMMISSION; MEMBERS; COUNSEL; EMPLOYEES.

Sec.

43-408. Employees; expenses; expenditures.

§ 43-401. Members; eligibility; oath.

Section references. — This section is referred to in §§ 1-299.2, 1-633.7, 1-637.1, 1-1177.1, 2-2619, 43-404, 43-406, 43-1451, and 43-1802.

§ 43-402. Function of Commission; unjust, unreasonable, or discriminating charge prohibited [Charter Provision].

Editor's notes. — The section heading for this section has been set forth above to reflect its status as a Charter Provision.

§ 43-408. Employees; expenses; expenditures.

(a) The Commission shall have the power in each and every instance to employ and to prescribe the duties of such officers, clerks, stenographers, typewriters, inspectors, experts, and employees as it may deem necessary to carry out the provisions of Chapters 1-10 of this title. The Commission is hereby authorized, within the appropriation made by Congress, to incur and pay incidental expenses for postage, printing, blanks, books, law books, books of reference, and periodicals, stationery, binding, rebinding, repairing and preservation of records, desks, office furniture and supplies, traveling expenses of the Commission, the commissioners, and every officer, agent, and employee thereof, and all other general expenses reasonably necessary to be incurred in carrying out the purposes of Chapters 1-10 of this title. All payments and disbursements, as provided in Chapters 1-10 of this title, shall be made by the Disbursing Officer of the District of Columbia upon proper vouchers, certified as required by the Commission; and the Commission is hereby also granted power and authority to designate and appoint during its pleasure such officers, clerks, inspectors, and employees of the District of Columbia and members of the Metropolitan Police force of the District of Columbia to perform any of the duties which the Commission may from time to time, respectively, assign to them, and to employ any assistance within the limits of the appropriations for its use made by act of Congress.

(b) The Commission is authorized to enter into contracts with the District government, the United States government, and other public and private entities for goods and services, as needed, to achieve its purpose in carrying out its statutory duties. (Mar. 4, 1913, 37 Stat. 994, ch. 150, § 8, par. 95; 1973 Ed., § 43-206; Mar. 3, 1979, D.C. Law 2-139, § 3205(o), 25 DCR 5740; Apr. 20, 1999, D.C. Law 12-263, § 13(c)(2), 46 DCR 2111.)

Effect of amendments. — D.C. Law 12-263 added (b).

Emergency act amendments. — For temporary amendment of section, see § 2 of the District of Columbia Public Service Commission Independent Procurement Authority Emergency Amendment Act of 1998 (D.C. Act 12-438, August 18, 1998, 45 DCR 6291), and § 3(2) of the Public Service Commission Independent Procurement Authority Emergency Amendment Act of 1999 (D.C. Act 13-52, April 6, 1999, 45 DCR 3638).

Section 5 of D.C. Act 13-52 provides for the application of the act.

Legislative history of Law 12-263. — Law 12-263, the “Residential Real Property Seller

Disclosure, Funeral Services Date Change, and Public Service Commission Independent Procurement Authority Act of 1998,” was introduced in Council and assigned Bill No. 12-648, which was referred to the Committee on Consumer and Regulatory Affairs. The Bill was adopted on first and second readings on October 6, 1998, and November 10, 1998, respectively. Vetoed by the Mayor on December 29, 1998, Council overrode the veto on January 5, 1999 and the Bill was assigned Act No. 12-625 and transmitted to both Houses of Congress for its review. D.C. Law 12-263 became effective on April 20, 1999.

CHAPTER 5. SERVICE, VALUATION, ACCOUNTS.

Subchapter I. General Provisions.

§ 43-530. Commission may prescribe changes in form of schedule.

Temporary addition of § 43-531. — Section 9 of D.C. Law 12-103 added a § 43-531, to read as follows:

“A public utility shall provide to the organizational unit of the District government, or any successor organizational unit, that is responsible for administering or supervising the administration of the District’s State Plan under title IV, part D of the Social Security Act, approved January 4, 1975 (88 Stat. 2351; 42 U.S.C. § 651 et seq.), in response to an administrative subpoena issued pursuant to section 27c(a)(2), financial or other information concerning a customer that is necessary to establish, modify or enforce a child support order or a spousal support order in which the spouse or former spouse is living with a child for whom the spousal support obligor also owes support.”

Section 16(b) of D.C. Law 12-103 provides that the act shall expire after 225 days of its having taken effect.

Section 9 of D.C. Law 12-210 added a § 43-531 to read as follows:

“§ 43-531.

“A public utility shall provide to the organizational unit of the District government, or any successor organizational unit, that is responsible for administering or supervising the administration of the District’s State Plan under Title IV, Part D of the Social Security Act, approved January 4, 1975 (88 Stat. 2351; 42 U.S.C. § 651 et seq.), in response to an administrative subpoena issued pursuant to § 27c(a)(2), financial or other information concerning a customer that is necessary to establish, modify, or enforce a child support order or a spousal support order

in which the spouse or former spouse is living with a child for whom the spousal support obligor also owes support.”

Section 15(b) of D.C. Law 12-210 provides that the act shall expire after 225 days of its having taken effect.

Emergency act amendments.

For temporary addition of § 43-531, see § 9 of the Child Support and Welfare Reform Compliance Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-309, March 20, 1998, 45 DCR 1923), § 9 of the Child Support and Welfare Reform Compliance Second Emergency Amendment Act of 1998 (D.C. Act 12-439, August 12, 1998, 45 DCR 6110), § 9 of the Child Support and Welfare Reform Compliance Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-503, October 27, 1998, 45 DCR 8495), and § 9 of the Child Support and Welfare Reform Compliance Second Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-600, January 20, 1999, 46 DCR 1239).

Section 16 of D.C. Act 12-309 provides for the application of the act.

Section 15 of D.C. Act 12-503 provides for the application of the act.

For temporary repeal of D.C. Law 12-103, see § 13 of the Child Support and Welfare Reform Compliance Second Emergency Amendment Act of 1998 (D.C. Act 12-439, August 12, 1998, 45 DCR 6110).

Legislative history of Law 12-210. — Law 12-210, the “Child Support and Welfare Reform Compliance Temporary Amendment Act of 1998,” was introduced in Council and assigned

Bill No. 12-657. The Bill was adopted on first and second readings on July 7, 1998, and September 22, 1998, respectively. Signed by the Mayor on October 16, 1998, it was assigned Act

No. 12-497 and transmitted to both Houses of Congress for its review. D.C. Law 12-210 became effective on April 13, 1999.

CHAPTER 6. RATES, EXAMINATIONS, INVESTIGATIONS, AND HEARINGS.

Sec.
43-612. Expenses of investigation to be borne by utility; deposit for costs; limita-

tion of expenditures in hearings; reimbursement fee.

§ 43-612. Expenses of investigation to be borne by utility; deposit for costs; limitation of expenditures in hearings; reimbursement fee.

* * * * *

(c) Nothing in this chapter shall be construed to prevent the Commission from using the Public Service Commission Agency Fund for the payment of any and all expenses that it incurs in the performance of its duties. (Mar. 4, 1913, 37 Stat. 984, ch. 150, § 8, par. 42; Mar. 3, 1927, 44 Stat. 1351, ch. 304; Aug. 27, 1935, 49 Stat. 884, ch. 742, § 3; Aug. 30, 1964, 78 Stat. 634, Pub. L. 88-503, § 21; 1973 Ed., § 43-412; Jan. 2, 1975, 88 Stat. 1976, Pub. L. 93-614, § 2; June 15, 1976, D.C. Law 1-70, title VI, § 606, 23 DCR 553; Sept. 13, 1980, D.C. Law 3-88, § 2, 27 DCR 3004; Aug. 10, 1984, D.C. Law 5-104, §§ 2, 3(b), 31 DCR 3037; Mar. 14, 1985, D.C. Law 5-153, § 3(e), 31 DCR 6440; July 17, 1985, D.C. Law 6-9, § 2(b), 32 DCR 2961; Aug. 1, 1996, D.C. Law 11-152, § 403, 43 DCR 2978; Sept. 9, 1996, D.C. Law 11-154, § 9, 43 DCR 3736; Apr. 20, 1999, D.C. Law 12-263, § 13(c)(1), 46 DCR 2111.)

Effect of amendments.

D.C. Law 12-263 added (c).

Emergency act amendments.

For temporary amendment of section see § 3(1) of the Public Service Commission Independent Procurement Authority Emergency Amendment Act of 1999 (D.C. Act 13-52, April 6, 1999, 46 DCR 3638).

Section 5 of D.C. Act 13-52 provides for the application of the act.

Legislative history of Law 12-263. — Law 12-263, the “Residential Real Property Seller Disclosure, Funeral Services Date Change, and Public Service Commission Independent Procurement Authority Act of 1998,” was introduced in Council and assigned Bill No. 12-648,

which was referred to the Committee on Consumer and Regulatory Affairs. The Bill was adopted on first and second readings on October 6, 1998, and November 10, 1998, respectively. Vetoed by the Mayor on December 29, 1998, Council overrode the veto on January 5, 1999, and the Bill was assigned Act No. 12-625 and transmitted to both Houses of Congress for its review. D.C. Law 12-263 became effective on April 20, 1999.

Editor’s notes. — The phrase “this chapter” was substituted for “this act” in (c), pursuant to instructions from Codification Counsel, notwithstanding that some sections herein were not part of the organic act.

CHAPTER 8. SALE AND MERGER OF UTILITIES.

Sec.
43-802. [Repealed].

§ 43-802. Antimerger law.

Repealed.

(Mar. 4, 1913, 37 Stat. 1006, ch. 150, § 11; Mar. 4, 1925, 43 Stat. 1265, ch. 527, §§ 2, 3; June 25, 1936, 49 Stat. 1921, ch. 804; June 25, 1948, 62 Stat. 991, ch. 646, § 32(b); May 24, 1949, 63 Stat. 107, ch. 139, § 127; July 29, 1970, 84 Stat. 588, Pub. L. 91-358, title I, § 168(a)(5); 1973 Ed., § 43-502; Aug. 5, 1997, 111 Stat. 781, Pub. L. 105-33, § 11703.)

Editor's notes. — This section is set out above to provide historical information.

CHAPTER 14A. TELECOMMUNICATIONS COMPETITION.

Sec.
43-1451. Definitions.

§ 43-1451. Definitions.

For the purposes of this chapter, the term:

* * * * *

(17) “Telecommunications carrier” means any provider of telecommunications services, except that the term does not include aggregators of telecommunications services as defined in § 226 of the Communications Act of 1934 (47 U.S.C. § 226). A telecommunications carrier shall be treated as a common carrier under this chapter only to the extent that it is engaged in providing telecommunications services and is a service that the United States Federal Communications Commission determines shall be treated as common carriage.

* * * * *

(Apr. 20, 1999, D.C. Law 12-264, § 47, 46 DCR 2118.)

Effect of amendments. — D.C. Law 12-264 validated a previously made technical correction in (17).

Legislative history of Law 12-264. — Law 12-264, the “Technical Amendments Act of 1998,” was introduced in Council and assigned Bill No. 12-804, which was referred to the

Committee of the Whole. The Bill was adopted on first and second readings on November 10, 1998, and December 1, 1998, respectively. Signed by the Mayor on January 7, 1999, it was assigned Act No. 12-626 and transmitted to both Houses of Congress for its review. D.C. Law 12-264 became effective on April 20, 1999.

CHAPTER 15. WATER SUPPLY, ASSESSMENTS, AND RATES.

Sec.
43-1522 to 43-1525. [Repealed].
43-1527. [Repealed].

Sec.
43-1532. [Repealed].

§ 43-1522. Same — Rates.

Repealed.

(July 3, 1930, 46 Stat. 988, ch. 848, § 1; 1973 Ed., § 43-1520; June 15, 1976, D.C. Law 1-70, title VI, § 601, 23 DCR 548; Mar. 5, 1981, D.C. Law 3-134, § 2, 27 DCR 4424; June 4, 1982, D.C. Law 4-112, § 3, 29 DCR 1687; June 22, 1983, D.C. Law 5-14, § 1002, 30 DCR 2632; Oct. 1, 1987, D.C. Law 7-26, § 2, 34 DCR 5074; Oct. 18, 1989, D.C. Law 8-38, § 2, 36 DCR 5752; repealed pursuant to § 301 of D.C. Law 11-111.)

Repeal effective 90 days after meeting of Board. — Section 301 of D.C. Law 11-111 repealed this section. However, § 601 of D.C. Law 11-111 provided that Title III of the act shall apply 90 days after the initial meeting of

the Board established by section 204 of the act.

Editor's notes. — Sections 43-1522 through 43-1525 are set out to provide historical information.

§ 43-1522.1. Same — Nonprofit housing developments — Eligibility for rate reduction.

Repealed.

(June 4, 1982, D.C. Law 4-112, § 5, 29 DCR 1687; repealed pursuant to § 305 of D.C. Law 11-111.)

Repeal effective 90 days after meeting of Board. — Section 305 of D.C. Law 11-111 repealed this section. However, § 601 of D.C.

Law 11-111 provided that Title III of the act shall apply 90 days after the initial meeting of the Board established by section 204 of the act.

§ 43-1522.2. Same — Same — Forgiveness of outstanding charges.

Repealed.

(June 4, 1982, D.C. Law 4-112, § 6, 29 DCR 1687; repealed pursuant to § 305 of D.C. Law 11-111.)

Repeal effective 90 days after meeting of Board. — Section 305 of D.C. Law 11-111 repealed this section. However, § 601 of D.C.

Law 11-111 provided that Title III of the act shall apply 90 days after the initial meeting of the Board established by section 204 of the act.

§ 43-1522.3. Same — Same — Rules.

Repealed.

(June 4, 1982, D.C. Law 4-112, § 7, 29 DCR 1687; repealed pursuant to § 305 of D.C. Law 11-111.)

Repeal effective 90 days after meeting of Board. — Section 305 of D.C. Law 11-111 repealed this section. However, § 601 of D.C.

Law 11-111 provided that Title III of the act shall apply 90 days after the initial meeting of the Board established by section 204 of the act.

§ 43-1522.4. Same — Same — Submission of willful false statements.

Repealed.

(June 4, 1982, D.C. Law 4-112, § 8, 29 DCR 1687; repealed pursuant to § 305 of D.C. Law 11-111.)

Repeal effective 90 days after meeting of Board. — Section 305 of D.C. Law 11-111 repealed this section. However, § 601 of D.C.

Law 11-111 provided that Title III of the act shall apply 90 days after the initial meeting of the Board established by section 204 of the act.

§ 43-1522.5. Same — Same — Definitions.

Repealed.

(June 4, 1982, D.C. Law 4-112, § 2, 29 DCR 1687; June 11, 1992, D.C. Law 9-120, § 3, 39 DCR 3195; Feb. 5, 1994, D.C. Law 10-68, § 35, 40 DCR 6311; repealed pursuant to § 305 of D.C. Law 11-111.)

Repeal effective 90 days after meeting of Board. — Section 305 of D.C. Law 11-111 repealed this section. However, § 601 of D.C.

Law 11-111 provided that Title III of the act shall apply 90 days after the initial meeting of the Board established by section 204 of the act.

§ 43-1523. Same — Increase.

Repealed.

(July 16, 1947, 61 Stat. 360, ch. 258, art. V, § 1; 1973 Ed., § 43-1520a; repealed pursuant to § 302 of D.C. Law 11-111.)

Repeal effective 90 days after meeting of Board. — Section 302 of D.C. Law 11-111 repealed this section. However, § 601 of D.C.

Law 11-111 provided that Title III of the act shall apply 90 days after the initial meeting of the Board established by section 204 of the act.

§ 43-1524. Council authorized to fix water rates.

Repealed.

(May 18, 1954, 68 Stat. 101, ch. 218, title I, § 101; Mar. 2, 1962, 76 Stat. 17, Pub. L. 87-408, § 501; Jan. 5, 1971, 84 Stat. 1931, Pub. L. 91-650, title I, § 105(a); 1973 Ed., § 43-1520c; Oct. 21, 1975, D.C. Law 1-23, title VII, § 706, 22 DCR 2118; July 23, 1992, D.C. Law 9-134, § 112(e), 39 DCR 4066; Sept. 10, 1992, D.C. Law 9-145, § 113(b), 39 DCR 4895; repealed pursuant to § 303 of D.C. Law 11-111.)

Repeal effective 90 days after meeting of Board. — Section 303 of D.C. Law 11-111 repealed this section. However, § 601 of D.C.

Law 11-111 provided that Title III of the act shall apply 90 days after the initial meeting of the Board established by section 204 of the act.

§ 43-1525. Water and water service rates and charges.

Repealed.

(1973 Ed., § 1520d; Oct. 21, 1975, D.C. Law 1-23, title VII, § 701(a), 22 DCR 2114; repealed pursuant to § 302 of D.C. Law 11-111.)

Repeal effective 90 days after meeting of Board. — Section 302 of D.C. Law 11-111 repealed this section. However, § 601 of D.C.

Law 11-111 provided that Title III of the act shall apply 90 days after the initial meeting of the Board established by section 204 of the act.

§ 43-1527. Additional charge on unpaid water bills.

Repealed.

(May 18, 1954, 68 Stat. 101, ch. 218, title I, § 102; 1973 Ed., § 43-1521a; June 13, 1990, D.C. Law 8-136, § 2(a), 37 DCR 2620; repealed pursuant to § 303 of D.C. Law 11-111.)

Repeal effective 90 days after meeting of Board. — Section 303 of D.C. Law 11-111 repealed this section. However, § 601 of D.C. Law 11-111 provided that Title III of the act

shall apply 90 days after the initial meeting of the Board established by section 204 of the act.

Editor's notes. — This section is set out above to provide historical information.

§ 43-1529. Lien for water charges.

Cited in *Concord Enters., Inc. v. Binder*, App. D.C., 710 A.2d 219 (1998).

§ 43-1532. Payment of water tax into General Fund.

Repealed.

(R.S., D.C., § 203; 1973 Ed., § 43-1523; Jan. 22, 1976, D.C. Law 1-42, § 3(d), 22 DCR 6313; July 23, 1992, D.C. Law 9-134, § 112(g), 39 DCR 4066; Sept. 10, 1992, D.C. Law 9-145, § 113(d), 39 DCR 4895; Sept. 10, 1992, D.C. Law 9-145, § 113(d), 39 DCR 4895.)

Editor's notes. — This section is set out above to provide historical information.

CHAPTER 16. SANITARY SEWAGE WORKS.

Subchapter I. D.C. Sanitary Sewage Works.

Sec.
43-1604 to 43-1606. [Repealed].

Subchapter I. D.C. Sanitary Sewage Works.

§ 43-1604. Council authorized to establish charges for sanitary sewer service.

Repealed.

(May 18, 1954, 68 Stat. 106, ch. 218, title II, § 206; 1973 Ed., § 43-1605; Jan. 22, 1976, D.C. Law 1-42, § 3(f)(4), 22 DCR 6314; repealed pursuant to § 303 of D.C. Law 11-111.)

Editor's notes. — Sections 43-1604 through 43-1606 are set out to provide historical information.

Repeal effective 90 days after meeting of Board. — Section 303 of D.C. Law 11-111 repealed this section. However, § 601 of D.C.

Law 11-111 provided that Title III of the act shall apply 90 days after the initial meeting of the Board established by section 204 of the act.

§ 43-1605. Sanitary sewer service charge.

Repealed.

(1973 Ed., § 43-1605a; Oct. 21, 1975, D.C. Law 1-23, title VII, § 701(b), 22 DCR 2115; June 15, 1976, D.C. Law 1-70, title VI, § 602, 23 DCR 549; Mar. 5, 1981, D.C. Law 3-134, § 3, 27 DCR 4424; June 4, 1982, D.C. Law 4-112, § 4, 29 DCR 1687; June 22, 1983, D.C. Law 5-14, § 1003, 30 DCR 2632; Oct. 1, 1987, D.C. Law 7-26, § 3, 34 DCR 5074; Oct. 18, 1989, D.C. Law 8-38, § 3, 36 DCR 5752; repealed pursuant to § 305 of D.C. Law 11-111.)

Repeal effective 90 days after meeting of Board. — Section 305 of D.C. Law 11-111 repealed this section. However, § 601 of D.C.

Law 11-111 provided that Title III of the act shall apply 90 days after the initial meeting of the Board established by section 204 of the act.

§ 43-1605.1. Nonprofit housing developments — Eligibility for rate reduction.

Repealed.

(June 4, 1982, D.C. Law 4-112, § 5, 29 DCR 1687; repealed pursuant to § 305 of D.C. Law 11-111.)

Repeal effective 90 days after meeting of Board. — Section 305 of D.C. Law 11-111 repealed this section. However, § 601 of D.C.

Law 11-111 provided that Title III of the act shall apply 90 days after the initial meeting of the Board established by section 204 of the act.

§ 43-1605.2. Same — Forgiveness of outstanding charges.

Repealed.

(June 4, 1982, D.C. Law 4-112, § 6, 29 DCR 1687; repealed pursuant to § 305 of D.C. Law 11-111.)

Repeal effective 90 days after meeting of Board. — Section 305 of D.C. Law 11-111 repealed this section. However, § 601 of D.C.

Law 11-111 provided that Title III of the act shall apply 90 days after the initial meeting of the Board established by section 204 of the act.

§ 43-1605.3. Same — Rules.

Repealed.

(June 4, 1982, D.C. Law 4-112, § 7, 29 DCR 1687; repealed pursuant to § 305 of D.C. Law 11-111.)

Repeal effective 90 days after meeting of Board. — Section 305 of D.C. Law 11-111 repealed this section. However, § 601 of D.C.

Law 11-111 provided that Title III of the act shall apply 90 days after the initial meeting of the Board established by section 204 of the act.

§ 43-1605.4. Same — Submission of willful false statement.

Repealed.

(June 4, 1982, D.C. Law 4-112, § 8, 29 DCR 1687; repealed pursuant to § 305 of D.C. Law 11-111.)

Repeal effective 90 days after meeting of Board. — Section 305 of D.C. Law 11-111 repealed this section. However, § 601 of D.C. Law 11-111 provided that Title III of the act shall apply 90 days after the initial meeting of the Board established by section 204 of the act.

§ 43-1605.5. Same — Definitions.

Repealed.

(June 4, 1982, D.C. Law 4-112, § 2, 29 DCR 1687; June 11, 1992, D.C. Law 9-120, § 3, 39 DCR 3195; Feb. 5, 1994, D.C. Law 10-68, § 35, 40 DCR 6311; repealed pursuant to § 305 of D.C. Law 11-111.)

Repeal effective 90 days after meeting of Board. — Section 305 of D.C. Law 11-111 repealed this section. However, § 601 of D.C. Law 11-111 provided that Title III of the act shall apply 90 days after the initial meeting of the Board established by section 204 of the act.

§ 43-1606. Payment of sanitary sewer service charges.

Repealed.

(1973 Ed., § 43-1605b; Oct. 21, 1975, D.C. Law 1-23, title VII, § 701(c), 22 DCR 2115; repealed pursuant to § 304 of D.C. Law 11-111.)

Repeal effective 90 days after meeting of Board. — Section 304 of D.C. Law 11-111 repealed this section. However, § 601 of D.C. Law 11-111 provided that Title III of the act shall apply 90 days after the initial meeting of the Board established by section 204 of the act.

CHAPTER 16B. WATER AND SEWER AUTHORITY.

Subchapter II. General Provisions.

Sec.

43-1674. Establishment of a board of directors.

43-1682. [Repealed].

Subchapter II. General Provisions.

§ 43-1674. Establishment of a board of directors.

(a)

* * * * *

(2) Six Board members shall be District residents, appointed by the Mayor with the advice and consent of the Council, of whom no more than 4 may be District employees or officials. The nomination of a Board member shall be submitted to the Council for a 90-day period of review, excluding days of Council recess. If the Council does not approve the nomination by resolution within this 90-day review period, the nomination shall be deemed disapproved.

* * * * *

(_____, 1999, D.C. Law 12- (Act 12-622), § 4(d), 46 DCR 1355.)

Section references. — This section is referred to in § 1-633.7.

Effect of amendments.

D.C. Law 12-(Act 12-622) rewrote (a)(2).

Emergency act amendments.

For temporary amendment of section, see § 4(d) of the Confirmation Emergency Amendment Act of 1999 (D.C. Act 13-25, March 15, 1999, 46 DCR 2971).

Section 6 of D.C. Act 13-25 provides for the application of the act.

Legislative history of Law 12-(D.C. Act 12-622). — Law 12-(D.C. Act 12-622), the “Con-

firmation Amendment Act of 1998,” was introduced in Council and assigned Bill No. _____, which was referred to the Committee on _____. The Bill was adopted on first and second readings on _____, and _____, respectively. Signed by the Mayor on _____, it was assigned Act No. 12-622 and transmitted to both Houses of Congress for its review. D.C. Law 12-(D.C. Act 12-622) became effective on _____.

§ 43-1682. Transfer of funds.

Repealed.

(Apr. 18, 1996, D.C. Law 11-111, § 211, 43 DCR 548; Apr. 9, 1997, D.C. Law 11-184, § 202(i), 43 DCR 4265.)

Editor’s notes. — This section is set out above to provide historical information.

CHAPTER 17. UNDERGROUND FACILITIES PROTECTION.

Sec.
43-1701. Definitions.

§ 43-1701. Definitions.

For the purposes of this chapter:

* * * * *

(5) The term “public utility operator” means a person, other than an agency of the District of Columbia, who supplies or transports any of the following materials or services by means of a utility line:

- (A) Gas of any kind, including flammable, toxic, or corrosive gas;
- (B) Liquids other than water, including such liquids as coal slurry, petroleum, petroleum products, or other hazardous liquids;
- (C) Electric energy;
- (D) Communication services;
- (E) Sewage disposal and drainage;
- (F) Water; or
- (G) Steam; except, that the District of Columbia government shall not be included.

* * * * *

(Apr. 20, 1999, D.C. Law 12-264, § 48, 46 DCR 2118.)

Effect of amendments. — D.C. Law 12-264, in (5), validated previously made technical corrections.

Legislative history of Law 12-264. — Law 12-264, the “Technical Amendments Act of 1998,” was introduced in Council and assigned Bill No. 12-804, which was referred to the

Committee of the Whole. The Bill was adopted on first and second readings on November 10, 1998, and December 1, 1998, respectively. Signed by the Mayor on January 7, 1999, it was assigned Act No. 12-626 and transmitted to both Houses of Congress for its review. D.C. Law 12-264 became effective on April 20, 1999.

§ 43-1705. Requirements of person responsible for excavation or demolition.

Act establishes standard of care for excavations. — Because the Underground Facilities Protection Act establishes the standard of care required by persons excavating near underground telephone cables, it was unnecessary to call expert witnesses to testify as to such standard. *Bell Atlantic - Washington, D.C., Inc. v. Nazario Constr. Co.*, App. D.C., 716 A.2d 191 (1998).

Prima facie case of negligence established. — Facts presented at trial establishing

that construction company drove spikes into plaintiff’s underground telephone cables, thus severing the cables, were sufficient to make out a prima facie case that the company failed to follow the standard of care set out in this section, was “at fault” within the meaning of § 43-1707, and proximately caused plaintiff’s damages. *Bell Atlantic - Washington, D.C., Inc. v. Nazario Constr. Co.*, App. D.C., 716 A.2d 191 (1998).

§ 43-1707. Liability for damages; civil penalty.

Prima facie case of negligence established. — Facts presented at trial establishing that construction company drove spikes into plaintiff’s underground telephone cables, thus severing the cables, were sufficient to make out a prima facie case that the company failed to

follow the standard of care set out in § 43-1705, was “at fault” within the meaning of this section, and proximately caused plaintiff’s damages. *Bell Atlantic - Washington, D.C., Inc. v. Nazario Constr. Co.*, App. D.C., 716 A.2d 191 (1998).

CHAPTER 18. CABLE TELEVISION.

Sec.
43-1807.1. Cable Television special account.
43-1809. Mandatory provisions of request for proposal.
43-1811. [Repealed].

Sec.
43-1818. [Repealed].
43-1828. [Repealed].
43-1831. [Repealed].
43-1835. [Repealed].

§ 43-1807.1. Cable Television special account.

(a) In accordance with § 47-131(c)(4), there is hereby established within the General Fund of the District of Columbia a special account (“special account”), to which shall be credited, without regard to fiscal year limitation pursuant to an act of Congress, all revenue owed and accruing to the District from the establishment, regulation, and operation of a cable television system within the District of Columbia. No revenues deposited into the continuing, non-lapsing special account may be obligated or spent in any year without a Congressional appropriation. Revenues in this continuing, non-lapsing special account that are carried over into a succeeding fiscal year may not be obligated or spent in the succeeding year without a new Congressional appropriation that permits such obligation or expenditure. The Cable Television special account shall be continuing. Revenues deposited into the special account shall not revert to the General Fund at the end of any fiscal year or at any other time, but shall be continually available to the Office of Cable Television for the

uses and purposes set forth in this chapter, subject to authorization by Congress in an appropriations act. The Executive Director shall administer the special account and receive all payments required by this chapter. All special account deposits shall be secured in a manner consistent with deposits of revenues by the District and shall include, but not be limited, to the following revenue:

* * * * *

(Mar. 26, 1999, D.C. Law 12-175, § 1912, 45 DCR 7193.)

Effect of amendments.

D.C. Law 12-175 rewrote the introductory language in (a).

Emergency act amendments. — For temporary amendment of section, see § 1512 of the Fiscal Year 1999 Budget Support Emergency Act of 1998 (D.C. Act 12-401, July 13, 1998, 45 DCR 4794), § 1512 of the Fiscal Year 1999 Budget Support Congressional Review Emergency Act of 1998 (D.C. Act 12-564, January 12, 1999, 46 DCR 669), and § 1512 of the Fiscal Year 1999 Budget Support Congressional Review Emergency Act of 1999 (D.C. Act 13-41, March 31, 1999, 46 DCR 3446).

Section 1514 of D.C. Act 12-401 provides for the application of § 1512.

Section 2101 of D.C. Act 12-564 provides for the application of the act.

Section 2101 of D.C. Act 13-41 provides for the application of the act.

Legislative history of Law 12-175. — Law 12-175, the “Fiscal Year 1999 Budget Support Act of 1998,” was introduced in Council and assigned Bill No. 12-618, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on May 5, 1998, and June 2, 1998, respectively. Signed by the Mayor on June 23, 1998, it was assigned Act No. 12-399 and transmitted to both Houses of Congress for its review. D.C. Law 12-175 became effective on March 26, 1999.

Application of D.C. Law 12-175. — Section 1914 of D.C. Law 12-175 provided that § 1912 shall apply as of October 1, 1998.

§ 43-1809. Mandatory provisions of request for proposal.

(a) The request for proposal developed and issued by the Design Commission in accordance with subsection (b) of this section shall contain the following:

* * * * *

(11A)(A) A provision that the Design Commission shall give favorable consideration to franchise applicants whose ownership structure contains meaningful minority participation, preferably of a local nature.

(B) For the purposes of this section, the term “meaningful minority participation” means ownership by minorities of at least 35% of an applicant’s local ownership structure and 35% of an applicant’s local governing body. The adoption and implementation of the 35% requirement shall not constitute a discriminatory practice prohibited under § 43-1840.

* * * * *

(Apr. 20, 1999, D.C. Law 12-264, § 49, 46 DCR 2118.)

Effect of amendments. — D.C. Law 12-264, in (a)(11A), validated previously made technical corrections.

Legislative history of Law 12-264. — Law 12-264, the “Technical Amendments Act of 1998,” was introduced in Council and assigned

Bill No. 12-804, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on November 10, 1998, and December 1, 1998, respectively. Signed by the Mayor on January 7, 1999, it was assigned Act No. 12-626 and transmitted to

both Houses of Congress for its review. D.C. Law 12-264 became effective on April 20, 1999.

§ 43-1811. Grant of authority.

Repealed.

(Aug. 21, 1982, D.C. Law 4-142, § 12, 29 DCR 2872; Oct. 22, 1983, D.C. Law 5-36, § 3(5), 30 DCR 4289.)

Editor's notes.

This section is set out above to provide historical information.

§ 43-1818. Arbitrary and capricious discontinuance of service by franchisee.

Repealed.

(Aug. 21, 1982, D.C. Law 4-142, § 19, 29 DCR 2872; Oct. 22, 1983, D.C. Law 5-36, § 3(6), 30 DCR 4289.)

Editor's notes.

This section is set out above to provide historical information.

§ 43-1820. Transfer of ownership to other than District.

Emergency act amendments. — For emergency approval of the application for the transfer of control of Tele-Communications, Inc., the parent corporation of TCI of D.C., Inc., which is the limited partner of District Cablevision Limited Partnership, to AT&T Corporation, see

§§ 2-6 of the Approval of the Application for Transfer of Control of District Cablevision Limited Partnership from Tele-Communications, Inc. to AT&T Corporation Emergency Act of 1999 (D.C. Act 13-20, February 5, 1999, 46 DCR 2535).

§ 43-1828. Capability requirements.

Repealed.

(Aug. 21, 1982, D.C. Law 4-142, § 29, 29 DCR 2872; Oct. 22, 1983, D.C. Law 5-36, § 3(7), 30 DCR 4289.)

Editor's notes.

This section is set out above to provide historical information.

§ 43-1829. Public Access Corporation.

Section references. — This section is referred to in §§ 1-633.7 and 43-1802.

§ 43-1831. Performance monitoring.

Repealed.

(Aug. 21, 1982, D.C. Law 4-142, § 32, 29 DCR 2872; Apr. 9, 1997, D.C. Law 11-210, § 3(f), 43 DCR 4702.)

Editor's notes. — This section is set out above to provide historical information.

§ 43-1835. Violations subject to penalties.

Repealed.

(Aug. 21, 1982, D.C. Law 4-142, § 36, 29 DCR 2872; Oct. 22, 1983, D.C. Law 5-36, § 3(8), 30 DCR 4289.)

Editor's notes. — This section is set out above to provide historical information.

§ 43-1845. Protection of privacy.

Temporary amendment of section. — Section 8 of D.C. Law 12-103 amended subsection (c) so as to read as follows:

“(c) The franchisee or franchisees shall not provide to any person, except the subscriber as provided in subsection (d) of this section, and the organizational unit in the District that is responsible for administering or supervising the administration of the District's State Plan under title IV, part D of the Social Security Act, approved January 4, 1975 (88 Stat. 2351; 42 U.S.C. § 651 et seq.) (“IV-D agency”), any data in its possession with respect to an individual subscriber's financial transactions, viewing selections, and utilization of computer-based interactive services, or any other personal or private information. The franchisee or franchisees shall exercise the highest possible standard of care in protecting the privacy of this data, except by the IV-D agency.”

Section 16(b) of D.C. Law 12-103 provided that the act shall expire after 225 days of its having taken effect.

Section 8 of D.C. Law 12-210 amended (c) to read as follows:

“(c) The franchisee or franchisees shall not provide to any person, except the subscriber as provided in subsection (d) of this section, and the organizational unit in the District that is responsible for administering or supervising the administration of the District's State Plan under Title IV, Part D of the Social Security Act, approved January 4, 1975 (88 Stat. 2351; 42 U.S.C. § 651 et seq.) (“IV-D agency”) any data in its possession with respect to an individual subscriber's financial transactions, viewing selections, and utilization of computer-based interactive services, or any other personal or private information. The franchisee or franchisees shall exercise the highest possible stan-

dard of care in protecting the privacy of this data, except by the IV-D agency.”

Section 15(b) of D.C. Law 12-210 provided that the act shall expire after 225 days of its having taken effect.

Emergency act amendments.

For temporary amendment of section, see § 8 of the Child Support and Welfare Reform Compliance Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-309, March 20, 1998, 45 DCR 1923), § 8 of the Child Support and Welfare Reform Compliance Second Emergency Amendment Act of 1998 (D.C. Act 12-439, August 12, 1998, 45 DCR 6110), § 8 of the Child Support and Welfare Reform Compliance Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-503, October 27, 1998, 45 DCR 8495), and § 8 of the Child Support and Welfare Reform Compliance Second Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-600, January 20, 1999, 46 DCR 1239).

Section 16 of D.C. Act 12-309 provided for the application of the act.

Section 15 of D.C. Act 12-503 provides for the application of the act.

For temporary repeal of D.C. Law 12-103, see § 13 of the Child Support and Welfare Reform Compliance Second Emergency Amendment Act of 1998 (D.C. Act 12-439, August 12, 1998, 45 DCR 6110).

Legislative history of Law 12-210. — Law 12-210, the “Child Support and Welfare Reform Compliance Temporary Amendment Act of 1998,” was introduced in Council and assigned Bill No. 12-657. The Bill was adopted on first and second readings on July 7, 1998, and September 22, 1998, respectively. Signed by the Mayor on October 16, 1998, it was assigned Act No. 12-497 and transmitted to both Houses of Congress for its review. D.C. Law 12-210 became effective on April 13, 1999.

TITLE 44. RAILROADS AND OTHER CARRIERS.

CHAPTER 2. STREET RAILWAYS AND BUS LINES.

Sec.
44-213. [Repealed].
44-215. [Repealed].

Sec.
44-217. Same — Validity of reduced fares; requirements for eligibility.

§ 44-213. Free transportation of uniformed policemen and firemen.

Repealed.

(Sept. 1, 1916, 39 Stat. 683, ch. 433; 1973 Ed., § 44-213; May 10, 1989, D.C. Law 7-231, § 46, 36 DCR 492.)

Editor's notes. — This section is set out above to provide historical information.

§ 44-215. Student fares — Fixed rate for schoolchildren not over 18 years of age; formula for adjusting and payment of fare subsidy.

Repealed.

(Aug. 9, 1955, 69 Stat. 616, ch. 680, § 1; June 28, 1962, 76 Stat. 113, Pub. L. 87-507, § 1(2); Aug. 30, 1964, 78 Stat. 634, Pub. L. 88-503, § 21; Oct. 18, 1968, 82 Stat. 1187, Pub. L. 90-605, § 1; Aug. 11, 1971, 85 Stat. 315, Pub. L. 92-90; 1973 Ed., § 44-214a; Aug. 14, 1974, 88 Stat. 446, Pub. L. 93-375, § 1; Mar. 3, 1979, D.C. Law 2-152, § 2, 25 DCR 2534.)

Editor's notes. — This section is set out above to provide historical information.

§ 44-217. Same — Validity of reduced fares; requirements for eligibility.

* * * * *

(c) Reduced fares for students on the Metrobus and Metrorail Transit Systems shall be available only to persons who are:

(1) Under 19 years of age, except that reduced fares shall be available for children with disabilities, as defined by the Individuals with Disabilities Education Act, approved April 13, 1970 (P.L. 91-230; 84 Stat. 175; 20 U.S.C. § 1401), through the end of the semester in which the children with disabilities reach 22 years of age;

* * * * *

(Oct. 7, 1998, D.C. Law 12-156, § 2, 45 DCR 4617.)

Effect of amendments. — D.C. Law 12-156 added the language beginning with “except that” in (c)(1).

Legislative history of Law 12-156. — Law 12-156, the “School Transit Subsidy Act of 1978 Amendment Act of 1998,” was introduced in Council and assigned Bill No. 12-190, which was referred to the Committee on Public Works

and the Environment. The Bill was adopted on first and second readings on May 5, 1998, and June 2, 1998, respectively. Signed by the Mayor on June 17, 1998, it was assigned Act No. 12-383 and transmitted to both Houses of Congress for its review. D.C. Law 12-156 became effective on October 7, 1998.

CHAPTER 3. PASSENGER MOTOR VEHICLES FOR HIRE.

Sec.

44-301 to 44-308. [Repealed].

§ 44-301. Passenger motor vehicles for hire to carry insurance; exceptions; liability of insurance company absolute.

Repealed.

(June 29, 1938, 52 Stat. 1233, ch. 809, § 1; Dec. 15, 1942, 56 Stat. 1051, ch. 734; Aug. 28, 1958, 72 Stat. 952, Pub. L. 85-792, § 2; Aug. 30, 1964, 78 Stat. 634, Pub. L. 88-503, § 21; 1973 Ed., § 44-301; Mar. 25, 1986, D.C. Law 6-97, § 22(a), 33 DCR 703.)

Editor’s notes. — Sections 44-301 through 44-308 are set out to provide historical information.

§ 44-302. Issuance of insurance policies by authorized company; bonds to be secured; reserves for losses, unearned premiums and other liabilities required; rules and regulations; conditions for cancellation of bonds and insurance policies.

Repealed.

(June 29, 1938, ch. 809, § 2; Aug. 28, 1958, 72 Stat. 952, Pub. L. 85-792, § 2; 1973 Ed., § 44-302; Mar. 25, 1986, D.C. Law 6-97, § 22(a), 33 DCR 703.)

§ 44-303. Operation of vehicle without approved bond or policy prohibited.

Repealed.

(June 29, 1938, ch. 809, § 3; Aug. 28, 1958, 72 Stat. 953, Pub. L. 85-792, § 2; 1973 Ed., § 44-303; Mar. 25, 1986, D.C. Law 6-97, § 22(a), 33 DCR 703.)

§ 44-304. Commission authorized to make rules and regulations.

Repealed.

(June 29, 1938, ch. 809, § 4; Aug. 28, 1958, 72 Stat. 953, Pub. L. 85-792, § 2; 1973 Ed., § 44-304; Mar. 25, 1986, D.C. Law 6-97, § 22(a), 33 DCR 703.)

§ 44-305. Alternate provisions for insurance coverage; blanket policy for more than one vehicle; sinking fund in lieu of insurance; conditions for creation and maintenance of sinking fund; proof of financial responsibility; admission of liability by owner for tortious acts of drivers of vehicles; sinking fund exempt from attachment or levy for other obligations of depositor.

Repealed.

(June 29, 1938, ch. 809, § 5; Aug. 28, 1958, 72 Stat. 953, Pub. L. 85-792, § 2; 1973 Ed., § 44-305; Mar. 25, 1986, D.C. Law 6-97, § 22(a), 33 DCR 703.)

§ 44-306. "Owner" defined.

Repealed.

(June 29, 1938, ch. 809, § 6; Aug. 28, 1958, 72 Stat. 954, Pub. L. 85-792, § 2; 1973 Ed., § 44-306; Mar. 25, 1986, D.C. Law 6-97, § 22(a), 33 DCR 703.)

§ 44-307. Penalties for violation of chapter.

Repealed.

(June 29, 1938, ch. 809, § 7; Aug. 28, 1958, 72 Stat. 954, Pub. L. 85-792, § 2; 1973 Ed., § 44-307; Oct. 5, 1985, D.C. Law 6-42, § 437, 32 DCR 4450; Mar. 25, 1986, D.C. Law 6-97, § 22(a), 33 DCR 703.)

§ 44-308. Delegation of authority of Council to Superintendent.

Repealed.

(June 29, 1938, ch. 809, § 8; 1973 Ed., § 44-308; Apr. 23, 1977, D.C. Law 1-127, § 2, 23 DCR 9691; Mar. 25, 1986, D.C. Law 6-97, § 22(a), 33 DCR 703.)



